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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

March 3, 2005.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Father of mercies and God of all consolation, You pursue us with untiring love. At certain moments of life, any one of us can be overshadowed by sickness or the death of a colleague, relative, or friend. Be our refuge and our strength, O Lord. Comfort all those who are lost in grief. Dispel the shadow of death with Your bright promise of new life. Lift Your people from their meandering questions of doubt and darkness; lift them into the peace and light that comes from Your presence.

Confirm them in love which never dies but lives on and on. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. PRICE)

come forward and lead the House in the Pledge of Allegiance.

Mr. PRICE of Georgia led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will receive ten 1-minute speeches per side.

FREEDOM FOR JOSE DANIEL FERRER GARCIA

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Jose Daniel Ferrer Garcia, a political prisoner in totalitarian Cuba. Mr. Ferrer Garcia is a peaceful pro-democracy activist in Cuba.

In January 2002, he was forced from a bus and beaten by the tyrant's thugs. In March 2003, 2 years ago, he was arrested as part of the dictator's crackdown on peaceful pro-democracy activists and in a sham trial sentenced to 25 years in the totalitarian gulag because of his support of democracy.

Mr. Ferrer is a brilliant example, Mr. Speaker, of the heroism of the Cuban people. The totalitarian gulag is full of men and women of all backgrounds and ages who represent the best of the Cuban nation. Thousands languish in the gulag because, like Mr. Ferrer, they refuse to accept tyranny.

Mr. Speaker, we must speak out against the grotesque disregard for human rights, dignity, and freedom just 90 miles from our shores. We must demand the immediate and unconditional release of Jose Daniel Ferrer and every political prisoner in totalitarian Cuba.

TILLIE FOWLER: IN MEMORIAM

(Ms. HARMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, never before in my years in this House have I taken the floor with such sadness. It is the sadness that penetrates to my very core, for I have lost a dear friend and Congress has lost one of its most distinguished Members.

Everyone was stunned by the news that our former colleague, Tillie Fowler, suffered a massive brain hemorrhage on Sunday. Now that she has died, we mourn her passing with the heaviest of hearts.

Tillie and I were Members of the class of 1992 and for some time the only women serving on the House Committee on Armed Services. She was a source of inspiration, a sister, a soul mate. We can take some comfort in knowing that she did not suffer and that her beloved husband, Buck, and her daughters were by her side. But nothing can bring her back, and she cannot be replaced.

Never partisan and always principled, the Congress and the country are better places because of her service, and she leaves a legacy we all learn from.

I will miss Tillie, my wonderful friend and staunch ally. We looked at the world the same way, through the same kind of eyes, and for me, for a while, the path ahead will be less clear without her.

SOCIAL SECURITY

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, America's Social Security system has been described with nearly every word in the dictionary: crisis, problem, trouble, bankruptcy. One can play the semantics game with Social Security all

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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they want, but the fact of the matter is that Social Security is broken and needs fixing.

Back in 1935 the system worked well. Retirement age back then was 65 and the average life expectancy 63. A pretty good deal for the government. Today, however, Americans are living longer than ever and far more likely to live long enough to get their benefits.

Social Security is not a savings plan. It is a pay-as-you-go system where today's workers support today's retirees and tomorrow's workers support tomorrow's retirees. The number of workers supporting each retiree was 42 when the program started. It is now three, with the payroll taxes on the paychecks of hard-working Americans going up 600 percent over the time when it gets to two.

Just in 3 years, 2008, the government will begin to pay out more in Social Security benefits than it collects in payroll taxes. It does not take a math whiz to understand that the pay-as-you-go system will not provide retirement security for American workers.

Mr. Speaker, it is a problem and must be resolved. I urge my colleagues to join me in solving it.

MILITARY READINESS ENHANCEMENT ACT

(Mr. MEEHAN asked and was given permission to address the House for 1 minute.)

Mr. MEEHAN. Mr. Speaker, I rise today to urge my colleagues to support H.R. 1059, the Military Readiness Enhancement Act, bipartisan legislation to repeal the military's senseless Don't Ask, Don't Tell policy.

With our troops spread thin in Iraq and Afghanistan, our military is having serious problems meeting personnel requirements. The Army missed its February recruiting goals by 27 percent. Yet under the Don't Ask, Don't Tell, we are discharging thousands of experienced, dedicated servicemembers simply because of their sexual orientation.

Hundreds of people let go under the Don't Ask, Don't Tell policy have skills that are critical to the war on terror, including translators and linguists. These soldiers have the courage to fight and the skills our military needs. There is no reason we should not allow them to serve their country. It is time for Congress to put national security interests first. It is time to repeal the Don't Ask, Don't Tell policy so we can keep the United States military the strongest in the world.

RECOGNIZING THE CENTENNIAL CELEBRATION OF BAD AXE, MICHIGAN

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, today I rise to recognize the

centennial celebration of Bad Axe, Michigan, the capital of Huron County. This beautiful city was founded originally in 1861 in the "thumb area" of Michigan, and it has remained a distinct part of history as it has continued to grow and to prosper over the past 150 years.

Bad Axe is a unique city. In fact, its very name gives it a very unique distinction. It is located in one of the most beautiful areas in the State of Michigan. It is a favorite destination for so many people who love the outdoors, either hunting or fishing or just enjoying the magnificent scenery.

Bad Axe's rich history includes some outstanding Michiganiens, including Albert E. Sleeper, who became Michigan's 29th Governor, served from 1917 to 1921, certainly leaving his mark on the entire State as he worked to establish the State highway system and the State park system. So it is fitting that some of the most beautiful State parks are in Bad Axe area.

I am proud to represent this unique city in Congress as it has developed and transformed over the years. From its pioneer beginnings during the Civil War, Bad Axe has managed to leave its mark on history.

Mr. Speaker, I wish the city and its citizens the very best as they celebrate the future and as they remember the past.

HOMEcoming OF USS "LINCOLN" CARRIER GROUP

(Mr. LARSEN of Washington asked and was given permission to address the House for 1 minute.)

Mr. LARSEN of Washington. Mr. Speaker, today I rise to honor the service of the sailors and Marine Corps of the USS *Abraham Lincoln* Carrier Strike Group who bravely and compassionately served the Nation and the world in the Western Pacific and Indian Ocean in the wake of December's tragic tsunami.

These women and men began their new year by delivering vital food, water, and medicine around the clock to the people of Southeast Asia and the Indian Ocean. They showed the world the values that we represent and why this country is so great.

From January 1 until February 4, carrier group aircraft flew over 1,700 missions in support of Operation Unified Assistance, carrying almost 6 million pounds of supplies. Over 1,200 crew mechanics from the group volunteered to go ashore and help.

Tomorrow I will attend the USS *Lincoln* and USS *Shoup* homecoming to Everett Washington. The VAQ 131 Prowler Squadron out of NAS Whidbey, the Lancers, just returned; and they are all part of Operation Unified Assistance.

Tomorrow, with their return, will be a great day for our country, a great day for our Navy and Marine Corps and for their families to celebrate.

BUILDING AWARENESS AND UNDERSTANDING ABOUT MENTAL ILLNESS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I am honored to discuss how two service organizations in the Second District of South Carolina have joined together on the Nothing to Hide project to promote awareness about mental illness. This project is an educational photo exhibit about families whose lives have been affected by mental health disorders.

By sponsoring the Nothing to Hide project, the Rotary Club of Hilton Head Island, Sunset, and the Mental Health Association of Beaufort and Jasper are addressing the myths and stigmas surrounding mental illness and are helping connect people who suffer from mental illness to the appropriate resources for support, education, and treatment.

Sunset Rotarians have volunteered to oversee the transition of the display during its 8-week tour through Beaufort and Jasper Counties. I would especially like to recognize the good work and leadership of the dedicated volunteers, Ed Dowaschinski, Krista Delgado, and Sandy Leath. Their strong efforts to raise awareness about this issue that affects so many of our friends and family members will help increase understanding throughout our community.

In conclusion, God bless our troops and we will never forget September 11.

CELEBRATING PEACE CORPS WEEK

(Ms. McCOLLUM of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McCOLLUM of Minnesota. Mr. Speaker, this week we celebrate the 44th anniversary of the Peace Corps and the service of current and return Peace Corps volunteers.

Today 7,700 Americans of all ages, including 38 volunteers from my congressional district, are serving our Nation and advancing the cause of peace in cities, towns, and villages in 72 countries around the world.

As we all know, with service also comes sacrifice. So as we celebrate this Peace Corps success, I would like to remember a young Minnesota Peace Corps volunteer, Melissa Mosvick, who died in a bus accident last November while serving our Nation in Morocco. Her service and sacrifice are also honored.

Nearly 180,000 Americans have served our Nation as Peace Corps volunteers these past 44 years. The service and commitment of all Peace Corps volunteers to our Nation and the world is truly a very special gift all Americans can celebrate.

HONORING COLONEL WILLIAM GLEN GUSTAFSON

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise to honor Colonel William Glen Gustafson of Marietta, Georgia, who sadly passed away last Tuesday.

Throughout his life, Colonel Gustafson served his country and his community. He was a master parachutist and troop commander during two tours of duty in Vietnam. He worked for the American Defense Preparedness Association here in Washington. He served on the academy review committees of former Georgia Senator Sam Nunn and former House Speaker Newt Gingrich. And from 1991 to 1997, he served three terms as chairman of the Cobb County Republican Party.

In all these capacities, Colonel Gustafson exemplified the virtues of honor, dignity, and leadership. His death is a great loss not only for his family but for the entire Cobb community as well. I will always remember the enthusiasm he brought to his work and his commitment to solving every challenge he faced. I will greatly miss his charisma, his leadership, and, most of all, his friendship.

Mr. Speaker, I ask that my colleagues join me in honoring Colonel Gustafson.

WELCOME HOME G.I. BILL

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, in every major war since the Revolution, the United States Congress has acknowledged our returning veterans for their service and sacrifice. In this proud tradition, last weekend I announced a Welcome Home G.I. Bill for the veterans returning from Iraq and Afghanistan. It is a bold new direction in helping our veterans achieve the success they so rightly deserve and earned.

The Welcome Home bill provides health care for up to 5 years for that member and their family if they cannot get it from their employer or lost it when they were overseas. The Welcome Home bill includes \$75,000 for college education and waives the \$1,800 fee required for the benefit. And, finally, it will offer them a tax-free \$5,000 down payment on a home.

Most importantly, under the plan all returning veterans are treated equally whether they served in active duty, National Guard, or Reserve. Because their experience over there was the same, their benefit over here should be the same.

□ 1015

The Welcome Home Package is a small token for our appreciation for the debt of gratitude we can never fully repay.

Mr. Speaker, we do not owe our new-est veterans a favor. We must repay one.

SAY NO TO FOREIGN LAW INFLUENCING AMERICAN COURT DECISIONS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, George Washington once said that "history and experience prove that foreign influence is one of the most baneful foes of Republican Government." But the United States Supreme Court has taken to relying on foreign law and foreign documents when issuing opinions.

This week, the Supreme Court ruled that the Constitution forbids the execution of convicted killers who are under the age of 18 when they commit their heinous crimes. Many of us might agree with this decision, but the court used the laws of other countries and foreign documents to determine whether American laws on this should stand.

American laws are made by the people chosen by Americans to make them. That is a republic. The court has no right or authority to consider any other basis for legal opinion. In doing so, it only undermines the very structure under which it operates, the consent of the governed as defined by the United States Constitution.

Foreign law is still a baneful foe of our republican government.

NATIONAL MISSILE DEFENSE SYSTEM A LEMON

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, Canada has officially opted out of the laughably named National Missile Defense System. We should take a lesson from our neighbors. They knew the NMD has a terrible record; 10 highly artificial and carefully scripted flight intercept tests, only five resulting in hits. One hit occurred when the equivalent of an electronic "hit me" sign was put on a supposed attack missile.

The new booster rocket for the kill vehicle has a one-in-three success rate. That is a one-in-three chance of even getting off the ground. The Pentagon canceled nine of the original 20 tests to focus on building the system instead of testing it.

Today, the NMD benefits no one except a few contractors and their patrons. Meanwhile, the Canadians chose not to buy a lemon. Here we plant a lemon grove and then franchise lemonade stands.

CONGRATULATING DELL COM- PUTER FOR NEW PLANT IN FORSYTH COUNTY, NORTH CARO- LINA

(Ms. FOXX asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, today I ask my colleagues to join me in congratulating Dell for beginning construction last week on a new \$100 million assembly plant in the Fifth District of North Carolina.

The 527,000 square foot facility set to open in Forsyth County this fall will be Dell's largest plant in the world. It will bring jobs to 700 people in its first year and employ up to 1,500 people within 5 years. Most of these jobs are expected to be new and most of them will go to local residents. The plant will join Dell's two other American manufacturing operations in Texas and Tennessee and produce Dell's OptiPlex and Dimension desktop computers.

Dell, which was named Fortune Magazine's "Most Admired Company" for 2004, will be a tremendous asset to the Fifth District. Its presence will attract other businesses and suppliers that will add millions of dollars to the local tax base and bring thousands of new jobs to the region.

I would like to thank the local leaders in Forsyth and surrounding counties for working so hard to make this possible. I am proud of the success in manufacturing coming from the Fifth District and look forward to many prosperous years at Dell.

WORKING TOGETHER AS DEMO- CRATS TO IMPROVE SOCIAL SE- CURITY FOR ALL AMERICANS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, there has been an ongoing discussion with the American public on what is good for them in the future and today. It is interesting that the American public, when you hand them the facts, understand the underpinnings of Social Security. Over 51 percent of them do not agree with the present plans offered by the administration to allegedly solve the solvency question on Social Security.

The American public understands what it means to take \$1.5 trillion away from Social Security to establish a private savings account that does not equate to solvency; the American public understands that Social Security is an insurance plan; the American public understands that any solution must be bipartisan; and the American public understands that when you begin to engage and divide a nation on a generational gap, that you are not moving toward a solution, you are only moving toward divisiveness.

Social Security has endured since 1935. It has provided an umbrella on a rainy day. It is an insurance plan, a survivor's benefit, and it allows the disabled to live in dignity.

Fix Social Security, do not destroy it. The plan before us destroys it. We are prepared to work together as Democrats, as Americans, to solve it.

ECONOMY CONTINUES TO GROW

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, the economy continues to grow as a direct result of the President's economic policies and those of the Republican Congress. Here are a few facts to illustrate this.

In January, we saw 146,000 new jobs and witnessed the twentieth consecutive month of job gains in the United States.

The national unemployment rate is down to 5.2 percent, the lowest since September 2001.

Job creation was up in 48 of the 50 States last year, and unemployment was down in all regions of the country.

Mr. Speaker, opposing tax increases and endorsing pro-growth policies has led to job creation. We are increasing consumer confidence and ensuring that the American working families no longer bear the burdens that impede economic growth.

We will continue here in Congress the hard work so that this progress continues.

WAITING FOR DEMOCRAT PLAN TO FIX SOCIAL SECURITY

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, well, the month of January went by and nothing happened. The month of February went by and nothing happened. Here we are, it is March, as a matter of fact, it is March 3rd. It looks like nothing is going to happen from the Democrat side to address Social Security.

One more day has gone, one more day of rhetoric and denouncing what the President is going to do and denouncing what the Republicans are doing and scaring senior citizens. But, still, no plan from the Democrat party to save and protect Social Security.

Now, it is interesting, up until last week they were saying there is no problem, we like it how it is. And yet in a major policy shift for the Democrat party, the Democrat Committee Chairman, Howard Dean, also known as "Screaming Dean," pointed out in a quote at Cornell University, which, as you know, is not exactly a sanctuary for conservative thought in America, Dean pointed out that if Social Security were left alone for 30 years, its benefits would be reduced to 80 percent of what it is now. He acknowledged there were problems.

Thank goodness, hallelujah, we have a Democrat who admits there is a Social Security problem. That means maybe the month of March will not go by. Maybe by the end of March the Democrats will join us and come up with a plan. We welcome their ideas. We solicit their ideas. We want their support.

WAITING FOR REPUBLICANS TO PUT SOMETHING ON THE TABLE

(Mr. HASTINGS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, my good friend the gentleman from Georgia (Mr. KINGSTON) motivated me to come to the floor when he suggests that the Democrats do not have a plan for Social Security.

I would say to my good friend, the gentleman from Georgia (Mr. KINGSTON), it is the President of the United States that proposed that Social Security should be privatized. During the last recess, the President's Day recess, Democrats went home, and almost every one of the House Democrats, except 40, held town meetings. I want the gentleman to know that most of his colleagues did not hold town meetings on Social Security at all for the reason that you really do not want to put your plan on the table.

The Democrats are ready when you bring your plan. The last time I looked over there, you all were in charge. I do not recall that we have to do anything at all in that regard.

But we are going to fix Social Security. The question is, are you going to fix Medicare and Medicaid? Are you going to do something about prescription drugs? Are you going to do something about inadequate education, inadequate housing and inadequate jobs in this country? I think that is what we need to be looking at.

We will fix Social Security, if you put something on the table.

REPUBLICANS SEEKING BIPARTISANSHIP IN FIXING SOCIAL SECURITY

(Mr. COLE of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. COLE of Oklahoma. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding, and want to say to my good friend from Florida that I have always enjoyed working with my distinguished colleague from the south tip of the peninsula of Florida, the great State. But I want to say, even though we are the majority, we still want your ideas. We want the Democrat party to put a plan on the table.

On the subject of town meetings, I personally held nine town meetings. There is a lot of division out there as to what we should do, and that is why it should be done in a bipartisan way, and that is why I think everybody needs to come together.

And Mr. Speaker, I want to say this: I have not introduced the plan. If the gentleman would like to work with me on a plan, I would love to have the

Hastings-Kingston bill, or the Kingston-Hastings bill, if we could do that, because I think it is important.

I know the gentleman's fondness for seniors. I have heard the gentleman speak fondly about his mom, and he has heard me speak fondly about my mom, and we owe it to both of them, and that is what we should be doing.

Mr. HASTINGS of Florida. Mr. Speaker, if the gentleman will yield, let us do it.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield further, I am ready to work with the gentleman.

CONTINUITY IN REPRESENTATION ACT OF 2005

Mr. COLE of Oklahoma. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 125 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 125

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 841) to require States to hold special elections to fill vacancies in the House of Representatives not later than 45 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed 60 minutes, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on House Administration now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous

question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Oklahoma (Mr. COLE) is recognized for 1 hour.

Mr. COLE of Oklahoma. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. COLE of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. COLE of Oklahoma. Mr. Speaker, on March 1, the Committee on Rules met and granted a structured rule for H.R. 841, the Continuity in Representation Act of 2005. I believe this is a fair rule that allows for a full discussion of the relevant points pertaining to the legislation before us.

Mr. Speaker, H.R. 841 is an important step forward in addressing what are critical shortcomings in America's plan for the continuity of this House in the event of an unexpected disaster or attack.

□ 1030

While I was not a Member of Congress on September 11, 2001, I was in an office directly across LaFayette Park from the White House. Like all Americans, I remember that day in detail. One of the most significant memories I have is the bipartisan response to the tragedy where Members stood on the steps of the Capitol and let it be known to the world that our government would continue to operate.

Mr. Speaker, the response of Congress to 9/11 should never be forgotten. It was a sign to the world that America was strong, that it would persevere and that we would go forward as a Nation. The underlying legislation today does the exact same thing. It takes an important step to ensure the preservation of our Republic and the continuity of our government under the most trying of circumstances.

Mr. Speaker, very simply, this legislation ensures a continuity of operations for the House of Representatives. In the event that more than 100 Members of Congress are killed, the Speaker may announce that "exceptional circumstances" exist and thereby trigger expedited special elections that must occur within 7 full weeks, thus ensuring the continuity of the House of Representatives.

Mr. Speaker, this legislation should not be very divisive based on the fact

that a similar measure passed the House by a substantial bipartisan margin of 365 to 97 in the last session of Congress. This legislation ensures the continuity of the people's House. It ensures that the House will still be an elected body chosen by the American public just as the Founders intended.

With that said, let us talk about what the bill is not. It is not an election law bill. It is a continuity bill.

Mr. Speaker, you may well hear many Members describe various provisions today in the context of Federal election law. These measures may have genuine merit. However, they are not relevant to this legislation. Personally, I firmly believe that most Members would agree with me when I suggest that election law should remain essentially a local issue. This is where it resides historically, and this is where it should continue to reside.

Mr. Speaker, we have a clear decision before us today. We can either be responsible in preparing for what we all hope never occurs, or we can engage in pointless bickering over election laws that are historically controlled by the localities. Just a few years ago almost all Members would have viewed a tragedy like September 11 as an unthinkable event, and that is precisely the point. We cannot predict tomorrow. What we do know, however, is that we are engaged in a real, genuine, and taxing global war on terror. This is a generational war and one that will not disappear over night.

Mr. Speaker, simply put, this legislation is about the security and continuity of America's governing institutions. It is an issue of critical importance in establishing an orderly response should the unthinkable occur again.

The legislative history of this bill is clear. This bill originated in direct response to the events of September 11. It is a continuity-in-government bill, not an election reform measure. To confuse the former with the latter by encumbering this bill with extraneous issues would be to lose sight of the fundamental purpose of the legislation. Our job here is to ensure the continuity of the House of Representatives, not reform a state-based electoral process with Federal legislation.

During my time as Secretary of State in Oklahoma, the bombing of the Alfred P. Murrah Federal Building occurred. At that time such an event was considered unthinkable in the United States. That incident and the larger tragedy of 9/11 are a sober warning that we should prepare for the unexpected before it occurs. H.R. 841 is an important part of that preparation, and it also is a tangible sign to terrorists that they will never intimidate this country, change the nature of this House as the elected representatives of the American people, or keep our government from facing any challenges it may face in the future.

Mr. Speaker, let us wait no longer. Let us move forward. And to that end,

I would urge all Members to support this rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Oklahoma (Mr. COLE) for the time. This is the first rule of which I hope are many that the gentleman and I are managing together. He has already been welcomed to the committee, so I extend those same warm welcomes to him for managing this measure.

Mr. Speaker, I rise today in opposition to this closed rule which limits debate on how this body should operate if it experiences mass causality. This is an issue of grave importance to the American people and the integrity of that democracy in times of dire crisis.

The decision of the majority to place any restrictions on this body prohibiting Members from offering amendments and freely debating the subject is not responsible.

The terrorist attacks of September 11 changed the way that we as a country operate. In turn, Congress has rightfully committed itself to creating policy that protects Americans from future attacks, though I question how successful we have been in our actions. September 11 also presented us with a challenge to consider continuity in the House during a worst-case scenario. In examining such a grim situation, we must foresee what will be needed to regain stability and reassure the American people and the world that our government is going about business as usual.

While I believe that the underlying legislation is an honest attempt to address the concerns which I just raised, the discussion surrounding the issue has been, as one constitutional scholar wrote, embarrassingly partisan. Even more, the product of 3 years of discussion on the issue that the majority is bringing to the floor is incomplete, unrealistic, and fails to consider the implications of changing statute when we should be amending the United States Constitution.

The underlying legislation requires the States to hold special elections within 45 days in the case of extraordinary circumstances. This is a problematic requirement. When the Committee on House Administration took testimony from State and local election officials, it was told that 45 days is not enough time to pull off a primary and general election. Election officials noted that mailing ballots to absentee, overseas, and military voters for a primary and general election and then waiting for their return would alone take more than 45 days. This does not include the time that it takes to print and process ballots.

Should this time period be adopted, it would undoubtedly result in the disenfranchisement of millions, including

seniors who vote absentee, our diplomatic corps, and our men and women serving in our Armed Forces.

The majority finally agreed with Democrats and local election officials yesterday that 45 days is not enough time to conduct these critical elections. Late last night we were informed that my friends on the Republican side are now seeking to amend the rule so that they may offer a manager's amendment which will increase the time elections must be conducted from 45 to 49 days. Four days, Mr. Speaker. What can you realistically do in 4 more days?

This is more of a cosmetic and convenient change than substantive. It still sets up a process that will lead to the selection of Members of Congress who are potentially not the real choice of the citizenry. All of this is happening at the same time my friends in the majority have blocked Democratic Members from offering three different amendments to the bill, all of which were germane and all of which were turned in on time. It seems to me that we operate under two rules in the House of Representatives: one for them and one for us.

Later today, Democrats will offer an amendment lengthening the special election period from 45 to 60 days. Our proposal provides elections officials with a more realistic solution to a daunting task most likely overshadowed by grief and angst. I hope that Members of this body will place the integrity of our democracy above petty politics and vote to adopt the Millender-McDonald amendment.

Additionally, the continuity-in-government commission has recommended a different approach. It has suggested that States create lists of possible appointments to seats vacated due to mass causality to ensure that the House can continue to operate while States move forward with their own special elections process. These temporary appointments would serve until States are able to elect representatives in accordance to their own laws.

This is a fair approach and one which should be considered on equal footing as the underlying legislation. Yet, when our colleague, the gentleman from Washington (Mr. BAIRD), offered this proposal in the 108th Congress, as a footnote, the gentleman from Washington's (Mr. BAIRD) wife is about to deliver their child and he might not get here. We are hoping that he does. But he certainly has been a stalwart leader in the effort to do what is necessary to preserve the integrity of this body. When he introduced this proposal, Republicans sought to embarrass him and the commission's ideas for which he was fighting. They set up a vote in the way that it was impossible for the proposal to be given its due consideration. In my view, it was cutthroat politics, and we should not allow for those kind of actions.

Incomplete as it is, the underlying legislation also fails to consider mass

causality where the Speaker is a victim and is unable to trigger special elections. It does not address how the House quorum rules will work in the case of mass House vacancies. Perhaps most importantly, the underlying legislation could potentially leave our country without an effective or legitimate legislative branch for the first 6 weeks following a disaster.

Think about it this way: in the first 6 weeks following September 11, the House, this House, authorized the President to use force against terrorists and appropriated \$40 billion to address the emergencies in New York and at the Pentagon. If the underlying legislation is dropped, the legitimacy of actions taken by a shorthanded Congress, most likely during a time of war, would always be in question. For me, this scenario is unacceptable.

Regardless of the House's decisions today, States and voters must ultimately approve this process through a constitutional amendment. It took less than 14 months to approve each of the 17th, 18th, 19th, 20th, 21st, 23rd, and 26th amendments respectively. Anyone who suggests that the constitutional amendment process takes years, in my view, is incorrect.

Throughout history, when constitutional amendments have been needed, States and voters have responded. I suspect that they will respond similarly in this case.

All of these concerns underscore the need for this body to consider this legislation in an open and much larger discussion on the continuity of our government during times of mass causality. The effects of our hastiness today may not be felt while any of us are alive, but at some point in the future our successors and our States will be trapped by poor decisions we might make today.

I urge my colleagues to oppose this closed rule.

Mr. Speaker, I reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I want to thank the gentleman for his kind words and I look forward to working with him as we move ahead and I learn from him as I already have in the context of the deliberations of the Committee on Rules.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding me time. I want to begin by congratulating him on his superb service on the Committee on Rules.

This is obviously a very important issue to him. He joined the gentleman from Wisconsin (Mr. SENSENBRENNER) and me, along with former Secretary of State Candice Miller and our distinguished colleagues, the gentleman from Ohio (Mr. CHABOT), the gentleman from Texas (Mr. PAUL), and the gentleman from Maryland (Mr. BARTLETT), in co-sponsoring this legislation.

As a former Secretary of State, the gentleman from Oklahoma (Mr. COLE) understands how important this issue is for us to address.

□ 1045

I also want to express appreciation to my colleagues on the other side of the aisle. In the last Congress, while it has not happened in this Congress, I was very pleased that the distinguished ranking minority member of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS), joined as a cosponsor of this legislation, as well as my good friend and colleague, the gentleman from California (Mr. BERMAN). And it is my hope that we will be able to move ahead in a bipartisan way dealing with this very, very important institutional issue.

We all remember September 11 of 2001. My judgment has often been questioned because I was the last human being to walk out of this building on September 11 of 2001, and probably correctly. I did not think anyone would attack it. And I will say that when I left the building on September 11, 2001, I did so when one of the great Capitol Hill policemen said to me that there was a plane headed towards this building, and we all know now that that is the plane that went down with those very courageous passengers in Pennsylvania.

When we think back on September 11th, obviously it was one of the darkest days in the history of our republic, and it has led us to spend a great deal of time thinking about the unthinkable. Because of September 11th, we have had to ponder things that we would never even possibly consider because of the fact that we had not seen that kind of attack on U.S. soil. But since that time, the Speaker of the House has really stepped up to the plate and done a wide range of things that are designed to ensure that the people's House and, in fact, we hope both Houses of Congress, are able to continue to function.

If you recall on September 11th, late that afternoon, when Members of both Houses of Congress, both political parties, stood on the east front of the Capitol singing God Bless America. The reason that Members stood on the east front of the Capitol was to let the American people and to let anyone know who would want to do us in, that we, as a Nation, are strong, and this institution, the greatest deliberative body known to man, was continuing to function.

So beginning almost immediately after the attacks of September 11th, the Speaker took a number of steps that were designed to maintain the continuity of this great institution. He established the ability to adjourn to an alternative place and to declare an emergency recess. He established the ability to effect a joint leadership recall from a period of adjournment through designees, and the requirement that the Speaker submit to the

Clerk of the House a list of designees to act in the case of a vacancy in the Office of the Speaker. And, Mr. Speaker, we all know that at the beginning of this 109th Congress, we included in our opening day rules package the provisions that allow the House to establish a quorum, which could be lowered if we go through a litany of roll call votes that would determine that many Members had been incapacitated and could not actually show up to work here.

I think it is important to note that we provided a number of protections in the use of that rule, including several that have been suggested by the Members of the other side of the aisle. And I have to add, Mr. Speaker, that the Speaker of the House and the minority leader, the gentlewoman from California (Ms. PELOSI), have personally engaged and spent time talking about this very important issue. And it is my hope that we will, at the end of the day, end up with, as I said, a bipartisan compromise.

Some of those recommendations that came from Members of the minority on this issue: Extended roll calls lasting days at a time and excluding any time in recess so that Members can contact the House and let us know that they can come to vote. The availability of the motion to adjourn at any time. The nonpartisan advice of the Sergeant at Arms, the Capitol physician, and the medical and emergency personnel about the state of the membership of this body. And, Mr. Speaker, at the recommendation of the minority, consultation with the minority leader, in accordance with the traditional relationship between the Speaker and the minority leader.

And, finally, it is very important for us to remember that, as I just alluded to, that we have a bicameral legislature. The United States House of Representatives does not operate unilaterally, so there will always be a check on any action taken under the mass incapacitation quorum provision.

What I have been discussing, Mr. Speaker, answers how we will do the people's work if a terrorist attack incapacitates large numbers of us. Now, the Continuity in Representation Act of 2005, which we are considering here today, deals with how we will replenish the House if terrorists kill large numbers of our Members. This legislation calls for special elections to be held within 45 days following such a catastrophe.

The gentleman from Florida (Mr. HASTINGS) has just alluded to something, and while I know we do not enjoy the strong support of the minority on this, we have made a step in that we are going to have a manager's amendment made in order that would allow us to move in the direction of what it is that the minority wants, and that is allowing for 49 days, which would be a full 7 weeks.

Let me say that this legislation addresses a number of very important matters and it incorporates a number

of suggestions made, again by Members on the other side of the aisle. They include more than doubling the amount of time for the special elections to occur from 21 days to 45 days. And again we are going even further, to a full 7 weeks.

Protecting overseas military and absentee voters so that they receive additional time in which to return ballots. And I want to thank, particularly, the distinguished ranking minority member of the Committee on Armed Services, the gentleman from Missouri (Mr. SKELTON), for his fine work in that area and his commitment to ensure that we address the issue of military and overseas voters.

Protecting civil and voter rights. You will recall when we considered this legislation, which at the end of the day drew large bipartisan support in the 108th Congress, we were able to address the concerns that were raised by the gentleman from North Carolina (Mr. WATT) at the end of the day when we were debating the legislation, and that is included in this. Again, that is a recommendation that came from the minority.

We allow States to have primaries and other options for selection of candidates for the special election so long as the general elections are completed within that period of time, which would be 49 days, excluding districts from the 49-day special election requirement if they already have either a general or special election scheduled, and including the four delegates and the resident commissioner of Puerto Rico within the provisions of the bill.

Now, I mentioned the large bipartisan support. Last year, this legislation passed the House by a vote of 306 to 97. I believe that we need to continue working in a strong bipartisan manner to move this bill through the House and get it to the other body just as expeditiously as possible. In that spirit, I anticipate that we will amend the rule, as I said, to move under this manager's amendment from 45 to 49 days. Again, our attempt to continue to work and address very, very correct concerns that are emerging from the minority.

I also have to say that on this rule itself we are very happy to have made in order the amendment of my colleague and neighbor, the very distinguished gentlewoman from California (Ms. MILLENDER-MCDONALD), who has offered an amendment calling for 60 days. I also want to congratulate her, Mr. Speaker, on her new assignment as the ranking minority member of the Committee on Administration. She is working closely with the gentleman from Ohio (Mr. NEY) I know, and with the gentlewoman from Michigan (Mrs. MILLER), who is going to be managing this legislation, and so we look forward to seeing what I hope is, again, a good bipartisan work product.

I want to talk now, if I can, Mr. Speaker, about how this bill protects what I feel is a very, very key part of

our responsibility here: Our representation. When I was an undergraduate at Claremont McKenna College, I had a professor who pounded the Federalist Papers into me. I remember my mentor and the importance of the Constitutional Convention, and the great Connecticut Compromise of July 16 of 1787. And I remember that date because we convened the Congress in Philadelphia to mark the bicentennial of the Connecticut Compromise back on July 16 of 1987.

Of course, the Federalists have been so important in explaining and justifying the actions of the framers as they put the Constitution together. We all know that James Madison was the Father of our Constitution, as well as having been President of the United States, he, as a matter of fact, was a member of the first Committee on Rules. And a relative of mine served on that Committee on Rules at the founding.

Madison wrote extensively about this institution, the House of Representatives in Federalists 52 through 57. And one of the things I believe is very important for us to note is that Madison talked about the absolutely critical importance of this institution being elected.

Now, Mr. Speaker, we all know that the 435 of us who serve as Members of the House of Representatives are the only Federal officials who must be elected before we can serve. In the other body, the United States Senate, people are appointed by their governors if vacancies take place. And we all know from the example of President Ford, one can be appointed to serve as Vice President and President of the United States without having been elected. But no one has ever served in the people's House, this body, without having first been elected. And I think it is important to note that Madison made it clear when he was talking especially about this institution, as he said in Federalist No. 53, "where elections end, tyranny begins."

Mr. Speaker, as I said, we are the only Federal office where no one has served here without having first been elected, and I think that is something we need to do everything we can to maintain.

In Federalist 52 Madison wrote: "It is essential to liberty that the government in general should have a common interest with the people, so it is particularly essential that the branch of it under consideration should have an immediate dependence on and an intimate sympathy with the people. Frequent elections are unquestionably the only policy by which this dependence and sympathy can be effectively secured."

He went on in Federalist 57 and wrote: "Who are to be the electors of the Federal representatives? Not the rich more than the poor, not the learned more than the ignorant, not the haughty heirs of distinguished names more than the humble sons of

obscurity and unpropitious fortune. The electors are to be the great body of the people of the United States.”

And, Mr. Speaker, Madison rejected the idea that appointment of Members is acceptable to the American public. He said, and I quote: “The right of suffrage is certainly one of the fundamental articles of democratic government and ought not be regulated by the legislature. A gradual abridgement of this right has been the mode in which aristocracies have been built on the ruin of popular forms.”

I think it is very important for us to understand that there have been times in our Nation's history where we have faced greater difficulty than the difficulty that we face today, or even greater difficulty than we faced following September 11 of 2001, and that was the Civil War. If we think back to that time of the Civil War, we have to remember that this Capitol was surrounded by troops who were threatening the very being of our Republic. Yet President Lincoln proceeded with elections, understanding how critically important they are for our Republic's survival.

And, of course, we have the newest example of self-determination in the world. The brave people of Iraq recently tasted freedom and the joy of elections. What happened? We had many people saying those elections could not take place. Why? Because there was a great deal of tension. We saw terrorist attacks, and we continue to see that in Iraq. But we know that despite the bombs and the snipers and the fear of death, people exercised that very important right to self-determination. Having faced down aristocracy and tyranny, they knew just how important elections would be for them. We too are a democracy borne out of facing down aristocracy and tyranny ourselves, and we should never forget that for one moment.

Mr. Speaker, I am convinced that as we look at the struggles taking place in Iraq today, that building and reinforcing democratic institutions is crucial for the safety, security, and happiness of a nation's people, whether it is the people of Iraq or the people of the United States of America. That is why when we looked at some of the other options to provide for our continuity as an institution, such as the stand-in appointments provision that the House overwhelmingly defeated last year, we should ask what we lose if we, for one moment, give up on elections.

Some have said that this is different; that we will be dealing with a national emergency. And I say that elections are particularly important during a time of a national emergency. We should not have stand-ins or successors from a list in our back pockets passing laws, declaring war, or suspending habeas corpus. I believe that when we take this very, very unique institution, the people's House, where no one has served without having first been elected, and move away from elections, that

we threaten the very basis of our strength as a democratic Nation.

□ 1100

Thus as we look at the very tough challenge of how to preserve our democracy in the face of catastrophe, this legislation is the most responsible way to continue the legitimacy of our government. If we look at the tragic loss of more than 100 Members, the idea of having the States hold special elections in that period of time is something that is doable. People will unite and will remove all obstacles in conducting elections.

Think about it, Mr. Speaker. In the time of a horrible tragedy, feeding and clothing one's family, making sure the roof is over their head, and then playing a role in picking one's leaders, that is all part of the process of rebuilding. And it can be done in a relatively short period of time.

My colleague (Ms. MILLENDER-MCDONALD) and I represent the State of California. A year and a half ago in our home State, we went through a special election—recently, going through an unprecedented situation. We had the recall of a Governor and an election that took place in 55 days. It was not a single congressional district of 650,000 people with two or three candidates. That race had 135 candidates on the ballot, and they were running among a populace of 35 million people. And I am happy to say that that election came off without a hitch. And I should parenthetically say I am happy with the outcome as well, Mr. Speaker.

Let me close by saying that I think it is very important for us to realize again what James Madison was telling us when he said “When elections end, tyranny begins.” We should do everything we possibly can to make sure that we keep this House's very, very precious election process.

This rule allows for consideration of measures that address that. It is a very fair rule that again gives the ranking minority member an opportunity to have her proposal considered. I do oppose that proposal because I believe that the notion of moving to 49 days will allow us to work this out very well. And I again thank my colleagues, the gentleman from Ohio (Mr. NEY) and the gentleman from Wisconsin (Mr. SENSENBRENNER) and others, who have worked long and hard on this.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume. I have great respect for the gentleman from California (Mr. DREIER), and I know that he knows that the 17th amendment of the United States Constitution speaks to continuity.

I also know that he knows that the Congress, for purposes of preserving our institutions, allowed for the development of a continuity-of-government commission. On that commission a significant number of outstanding individuals from America, a broad cross-section of them, came up with the notion

that it was critical that we have a constitutional amendment to go forward. Let me name some of the people that were on that commission: Lloyd Cutler; Alan Simpson; Philip Chase Bobbitt; Kenneth Duberstein; Tom Foley, former Speaker of the House; Robert Michel, minority leader; Newt Gingrich, former Speaker of the House; Nicholas B. Katzenbach; Jamie Gorelick; Robert Katzmann; Kweisi Mfume; Lynn Martin; Donna Shalala; and their senior counselors were Norman Orenstein and Thomas Mann.

What they said in the very preamble of their document is the following: We held two public meetings where we heard testimony from experts, and in the course of our investigation, we explored a wide range of options short of a constitutional amendment to ameliorate or solve these problems.

The commissioners, all of those persons that I just identified, shared distaste for frivolous or unnecessary amendments to the Constitution. Unfortunately, because the Constitution dictates the way that vacancies are to be filled in the House and Senate, there is no way to establish a procedure to quickly fill mass vacancies without a constitutional amendment. No less authorities than Robert Michel and Newt Gingrich and Tom Foley and Lloyd Cutler, folks who have studied the Constitution, actively came to that conclusion. I tend to share their view.

And the chairman of the Committee on Rules spoke of James Madison. No greater or eminent scholar that laid the foundation perhaps, other than Jefferson, dealt with all of the issues that they contemplated in their time. But I wonder if Mr. Madison would deem it fair that the House operates with closed rules rather than open rules. We had a vote on whether or not there should be an open rule in this important process for America, and we had an amendment offered by a distinguished Member of this body, the gentleman from Minnesota (Mr. SABO), requiring States to offer same-day voter registration for special elections held in accordance with this bill. Seems reasonable that people would be scattered and other things on their minds in a crisis such as we had experienced on 9/11.

My colleague from New York (Mr. NADLER), who lost more people than all of us combined in the 9/11 tragedy, offered a measure to prohibit deceiving any person as to the time, place, or eligibility requirements of special elections held in accordance with this bill.

And the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary, offered an amendment that would require States to equally and fairly distribute election personnel and equipment when it conducts the special elections contemplated in this bill. All three of those civil rights measures went down the tube with the closed rule.

When we open up this institution, we will be able to address matters in a

more meaningful way so that the minority can have their amendments contemplated in good kind.

I end by saying that Thomas Mann of the Brookings Institution, who was one of the lead authors of the continuity commission's report, stated in front of the Committee on House Administration the following: "The inability to swiftly constitute the House and Senate would deprive the country of a fully functioning first branch of government at a time of grave national crisis. Unable to achieve a quorum, or relying on a questionable quorum interpretation allowing a small minority, possibly a handful of surviving Members to act for the full Chamber, Congress would be unable to legitimately elect a new Speaker or confirm a new Vice President, both critical links in Presidential succession.

They will be unable to declare war, appropriate funds, pass legislation needed to deal with the attack, confirm Supreme Court and Cabinet appointments, oversee an executive branch possibly run by someone largely unknown to the country, and reassure a stunned Nation that their constitutional democracy is alive and well."

Constitutional democracy, not statutory democracy as we are offering here today.

Mr. Madison offered the 17th amendment to the United States Constitution that has held well through the years with reference to continuity, and we owe no less responsibility to those Founders to be mindful of our responsibilities in that regard by offering up to the American people an appropriate constitutional amendment to be debated and decided by the people of this great country.

Mr. Speaker, I yield back the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself the balance of my time.

In closing, I would like to say I believe the debate has been an excellent discussion underlining many of the substantive concerns of both sides of a complex issue. But let us make one thing clear, this bill is about America's security and the way that Congress will deal with a catastrophe of unprecedented proportions. To ignore this basic fact is to ignore the warnings of history and the tragedy of September 11.

Mr. Speaker, today others have placed this debate in the context of election laws and constitutional issues. I appreciate their concerns, but this is not what this legislation is about. It is about establishing an orderly procedure to ensure the continuity of the House in the aftermath of a catastrophic event. The potential for this was underlined by what occurred on September 11. We cannot ignore those facts or ignore the realities and dangers of a changed international and geopolitical environment. To do so would be irresponsible.

AMENDMENT OFFERED BY MR. COLE OF OKLAHOMA

Mr. COLE of Oklahoma. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLE of Oklahoma:

At the end of the resolution, add the following:

SEC. 2. Notwithstanding any other provision of this resolution, the amendment specified in section 3(a) shall be in order as though printed as the first amendment in House Report 109-10 if offered by Representative Ney of Ohio or a designee, and the amendment specified in section 3(b) may be in order in lieu of the amendment printed in House Report 109-10 and numbered 1.

Sec. 3(a). The first amendment referred to in section 2, which shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, is as follows:

In section 26(b)(2) of the Revised Statutes of the United States, as proposed to be added by the bill, strike "45 days" and insert "49 days".

(b). The second amendment referred to in section 2 is as follows:

In section 26(b)(2) of the Revised Statutes of the United States, as proposed to be added by the bill, strike "shall take place" and all that follows through "the vacancy exists," and insert the following: "shall take place not later than 60 days after the Speaker of the House of Representatives announces that the vacancy exists,".

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Oklahoma (Mr. COLE) is recognized.

Mr. COLE of Oklahoma. Mr. Speaker, I want to take this opportunity to briefly describe this amendment before going further.

This amendment makes in order another amendment to take one more step toward satisfying the concerns of the minority and the Senate by extending the time limits by which States can hold elections. It is a short extension, but useful in that it allows States to phase their election plans over 7 even weeks. To that end I would urge my colleagues to support this fair rule and the underlying legislation.

Mr. Speaker, I yield back the balance of my time, and move the previous question on the amendment and on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Oklahoma (Mr. COLE).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. COLE of Oklahoma). Pursuant to House Resolution 125 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 841.

□ 1113

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the consideration of the bill (H.R. 841) to require States to hold special elections to fill vacancies in the House of Representatives not later than 45 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

General debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The gentlewoman from Michigan (Mrs. MILLER) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) each will control 20 minutes, and the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 10 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

□ 1115

Mrs. MILLER of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the legislation that we are going to be considering today deals with a very, very serious issue, the possibility actually of a tragic attack that would result in the death of a significant number of our colleagues in the House. Though I think it is safe to say that none of us are eager to consider this issue, the events of September 11, 2001, forced this House to consider the ramifications of a successful terrorist attack against this body. On that fateful day, the enemies of freedom clearly targeted the pillars of our Nation. The terrorists attacked the World Trade Center which represented our economic freedom. They attacked the Pentagon which represents our military strength. And, by all accounts, Flight 93 was targeted either at the White House or at this building, both symbols of our form of democratic government and of our freedoms.

In fact, only the heroic actions, the unbelievable bravery of those brave passengers on Flight 93 prevented that particular plane, that particular flight, from reaching its intended target.

And so, Mr. Chairman, we begin to think about the unthinkable, to do our duty and to plan for every eventuality. H.R. 841, the Continuity in Representation Act, provides a very reasonable, very well thought-out mechanism for the reconstitution of the House of Representatives in the event of such a tragedy. The sponsor of the bill, the gentleman from Wisconsin (Mr. SENSENBRENNER), as well as the gentleman from California (Mr. DREIER) and the

gentleman from Ohio (Mr. NEY) are to be commended for their great commitment and dedication in crafting this bill and bringing it to the floor today. The Congress must ensure that the government remains strong and stable during and following a terrorist attack, and this legislation would accomplish that goal.

Mr. Chairman, all the other branches of government already have contingency plans in place. In the case of a vacancy, the President would be replaced quickly by the existing line of succession. The courts would be replaced quickly by presidential appointment. The Senate would be reconstituted very quickly through gubernatorial appointment as is outlined in the 17th amendment. Only the House would be unable to function quickly in a time of national emergency.

The Continuity in Representation Act would correct this problem by requiring States to hold special elections to fill vacancies in the House of Representatives not later than 49 days after the vacancy is announced by the Speaker of this House in the extraordinary circumstances that vacancies in representation from the States exceed 100. Mr. Chairman, as we grapple with this issue, we must remind ourselves that the U.S. House of Representatives is the people's House. For the entirety of our national existence, Members of the House have been directly elected by the people. Article 1, section 2 of our Constitution states: "When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of elections to fill such vacancies." The key word here is "elections." No event should be reason enough to change this historic and constitutional constant.

The bill under consideration today allows us to remain true to the course charted for us by our Founding Fathers. There have been a number of suggested alternatives to the proposal in this legislation. Some have called for perhaps temporary appointment of the Members of Congress in such an emergency either through gubernatorial appointment like that in the Senate, or even by a sitting Member naming a successor to take the seat in the event of that Member's death.

Any of these ideas would require a constitutional amendment, which would be a change from both tradition and constitutional mandate which expressly calls again for the direct election of Members of the House of Representatives. Concerns have also been expressed regarding the requirement that special elections be completed within 49 days of the Speaker's announcement of 100 existing vacancies in the House would be difficult.

Mr. Chairman, before I came to Congress actually, I was honored to serve as Michigan's Secretary of State for 8 years with a principal responsibility of serving as that State's chief election official, so this is an area that I do have some expertise in. Some have ar-

gued and will argue that more time is necessary, but I disagree.

Under this legislation, States would have the option, let me repeat, the option, of eliminating the primary election and permitting political parties recognized by State law to choose their candidates. In turn, this would eliminate the petition requirements and the verification process that accompanies it. Additionally, it is important for us to remember that the U.S. Representative position would really be the only one on the ballot which would dramatically ease printing, programming and testing.

Furthermore, Mr. Chairman, the passage of the Help America Vote Act of 2002, HAVA as we commonly call it, has helped to prepare local election officials more than ever to conduct special elections. HAVA is granting Federal dollars to the States in historic proportions, quite frankly, dollars that they are using to eliminate antiquated election equipment and purchasing new state-of-the-art equipment. States have either constructed or are moving very quickly toward construction of statewide computerized voter registration files, similar to the one that we built in Michigan several years ago. Technology actually allows for these lists to be updated daily so that a clean, up-to-date file can be printed out literally any day of the year anytime, and provided to the polling sites. Obviously this is a fantastic election tool for any election, but particularly so for an expedited election.

Also, States are now moving toward uniformity of voting systems in their precincts. Uniformity of election equipment in a State will enable vendors to always have a camera ready template of the ballot, and then all they literally have to do is fill in the names of the nominees for U.S. Representative and go to print. Having a uniform system will eliminate confusion amongst poll workers and further ease election preparation.

H.R. 841 also protects the ability of military personnel and overseas citizens to participate in a special election by requiring that absentee ballots be transmitted to such voters within 15 days of the Speaker's announcement and that such absentee ballots be counted if they are received not later than 45 days after the State transmits them.

In fact, even now the Department of Defense, the DOD, is moving towards a program where service men and women stationed overseas can actually download their ballots via the Internet.

Some will make the argument, again, that 49 days is simply not enough time for the States to prepare. To that argument, I would simply point out that some States today already have requirements that special elections be held in much less time than the 49-day period. So I believe that argument is obviously moot.

Mr. Chairman, I certainly do not intend to imply that this would be a sim-

ple task. There is no question there is lots of hard work. Regardless, it has been my observation and my personal experience that the fine men and women who administer our elections always rise to the occasion to complete the required work on time. I have no doubts that they would do so in a time of national emergency.

While I hope, Mr. Chairman, that we never have to face this situation, we must nonetheless prepare for it. Clearly it is incumbent on us to find a solution to this issue which honors the wishes and the wisdom of the Founding Fathers that the House of Representatives remain the people's House.

Mr. Chairman, it has been said that the price of freedom is remaining ever vigilant. I believe passing H.R. 841 is a step in showing the enemies of freedom that America is remaining ever vigilant. Similar legislation received over 300 votes in the last Congress, and I would, again, ask my colleagues for their strong bipartisan support of this legislation.

Mr. Chairman, I reserve the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Chairman, I yield myself such time as I may consume.

First, let me congratulate the gentlewoman from Michigan in joining our committee, the Committee on House Administration. She is quite an addition to the committee and we congratulate her.

Mr. Chairman, I rise in opposition to H.R. 841 in its current form. While the bill number has changed since last year, the core problems in this legislation remain the same as in last year's bill, H.R. 2844. H.R. 841 is unworkable, unfair and undemocratic. It restricts the franchise and inhibits public participation in the expedited special elections it would create, an especially unfortunate development following so closely after the serious problems revealed in the aftermath of the 2004 elections.

This bill is part of a series of actions by the majority over the last 2 years as advertised in addressing problems of congressional continuity. The stated objective of the legislation is to override State laws in order to hold expedited special elections within 45 days of a catastrophe which may leave more than 100 vacancies in the Chamber. While this goal is laudable, the bill defines a problem, creates an unfunded mandate, but then provides no solution. This legislation dumps the problem onto the States to produce something called an "election" within 45 days, but without the political and democratic substance we associate with campaigns for the House of Representatives.

I want to stress that H.R. 841 has no partisan content. It is simply inadequate to the task of reconstituting the House in a truly democratic fashion. Members on our side of the aisle were split almost down the middle last

April in the vote on this legislation because they felt pressured to do something. But the majority voted for it virtually lockstep when not even its principal sponsors could explain how the bill was actually supposed to work. The Senate, not surprisingly, never acted on it. So here we go again.

H.R. 841 contains a wish list of provisions which would set impractical deadlines, ignore the rights of candidates to run and of voters to participate in elections, and create confusion in the aftermath of a national catastrophe when the country needs the stability of established constitutional processes and the legitimacy of the rule of law.

Let us look at some of the specifics of this bill. Among the principal flaws of this legislation are the time frame is much too short for the conducting of special elections in many States. Even States whose present laws contemplate 45 days may not cope in the aftermath of an unknown future crisis which could affect our infrastructure and communications systems nationwide. The House last year rejected a proposal for 75 days in which to conduct these elections. This year, I will offer a compromise amendment proposing 60 days, which is not a magic solution, either, but which at least provides valuable additional flexibility to the States.

The bill represents an unfunded mandate. While States could conduct special elections to fill vacancies even without this bill, it eliminates their flexibility in the scheduling of elections, in the format of the elections and in the costs of elections.

There is insufficient time for voter registration for those wishing to participate in an unscheduled, sudden election for the House. New voters would be blocked out of the system. Why should we prevent full public participation when a Congress, seeking to renew itself, needs the legitimacy which an open democratic system provides?

The bill provides no mechanism for candidates to qualify for the ballot in States which require petition gathering or other potentially time-consuming measures intended to assess the public support and credibility of potential candidates. States are expected to develop some faster method to accomplish these central goals of qualifying candidates to run very early before the bill's trigger is pulled or risk missing the deadline. So which should it be?

This bill assumes that there are instant candidates out there who, upon learning of a vacancy, will decide to run without full consultation with family and friends, or with their potential parties and relevant interest groups and who can instantly arrange financing and instantly have an infrastructure in place to negotiate the campaign finance laws. These steps are extraordinarily difficult even in normal circumstances. Are candidates who can make instant decisions to run and

instantly finance their campaigns representative of the full range of political talent of America? More importantly, are they the people we want to give a head start in gaining seats in the House? I do not think we want that, Mr. Chairman.

This bill also allows insufficient time to conduct primary elections in the many States which allow them for special elections. Last year's bill originally banned primaries entirely, but the gentleman from Ohio (Mr. NEY) improved this bill during our committee markup by removing the prohibition on primaries. Nevertheless, the 45-day scheme would still effectively block them in many States.

This bill still allows insufficient time to send, receive and count absentee ballots, even in those States which will not use primaries. Those most likely to face exclusion include Americans abroad and our military personnel stationed and fighting overseas.

Mr. Chairman, this bill contains no mechanism to activate its own provisions in the event the entire House membership is wiped out. If so, what happens next?

□ 1130

H.R. 841 deals with a practical catastrophe and a partial one, but becomes useless in the event of a total catastrophe. It was suggested on the House floor last year that in the circumstances that the entire House was wiped out, it would be up to the people to come together and make the determination as to the rebuilding process and how it begins. Really? Then how? Is it not the responsibility of Congress to anticipate and find solutions to problems when it enacts laws and not to rely on some vague national town meeting if the bill fails to work? Should we not be settling this issue right now right here in the legislation before us?

The 45-day provision in the bill allows insufficient time to assemble the infrastructure of elections necessary to manage elections competently and fairly. Even in elections, under the best of circumstances, there are inevitably problems with voter registration lists, voting with provisional ballots, transmitting, receiving, and counting absentee ballots, reserving polling places and staffing the polls with voting machines and election workers.

After a catastrophe we can add a potential breakdown in communication systems and other infrastructure, including transportation, along with the potential inability to order voting machines and ballots. Forty-five days is simply not enough time in many States to conduct special elections, especially after a national catastrophe.

Mr. Chairman, this bill represents the wrong choices of values in a democracy. It creates an artificial election timetable aimed at simply creating a result, and that is just Members of the House. The American people deserve real choices, emergency or not.

Mr. Chairman, I reserve the balance of my time.

Mrs. MILLER of Michigan. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 841, the Continuity of Representation Act of 2005.

On September 11, 2001, the fourth hijacked plane was headed toward the Nation's capital. Had it not been for the heroic actions of the passengers of United Flight 93 who forced the plane down over Pennsylvania, Congress's ability to serve the American people may have been severely disrupted.

Currently, there is no mechanism to quickly replace House Members by special election. During the last Congress, the House acted in an overwhelmingly bipartisan fashion to address this deficiency by passing the predecessor of this year's bill by a larger than three to one margin. Unfortunately, the bill was never brought up in the other body because of the objections of one or more anonymous Members of that Chamber. Consequently, the guarantee of the right to elected representation following a catastrophic incident has yet been unnecessarily imperiled.

The legislation before us again today will preserve the people's constitutional right to directly elected representation by providing for the expedited special election of new Members within 49 days of the Speaker's announcement that there are more than 100 House vacancies. The House, unique among all branches and bodies of the entire Federal Government, is rooted in the principle of direct elections, and that principle must be preserved. Current Federal law allows the Presidency and the Senate to consist of entirely the unelected in certain circumstances. Without an elected House, the entire Federal Government could be run and laws could be written without a single branch directly representing the popular will.

Congress has the clear authority to enact the Continuity in Representation Act under article I, section 4 of the Constitution, which allows Congress, at any time by law, to make or alter State election laws. Consistent with the right to chosen representation, the Founders explicitly considered Congress's power to require expedited special elections as the solution to potential discontinuity in government in extraordinary situations. As Alexander Hamilton wrote, the Constitution gives the Congress "a right to interpose" its special election rules on the States "whenever extraordinary circumstances might render that interposition necessary to its safety." The Supreme Court has unanimously approved such clear congressional authority.

Members from both parties have a significant stake in the operation of

the House following a terrorist incident, and I am pleased that the legislation before us today is appropriately a product of bipartisan cooperation and input. For example, I worked with the gentleman from Missouri (Mr. SKELTON), ranking member of the Committee on Armed Services, to craft provisions that govern absentee ballots cast by members of the Armed Forces, and overseas voters, whose ballots would be counted if they are received within 45 days after the State transmits them.

Further, I have worked with the gentleman from Michigan (Mr. CONYERS), ranking member of the Committee on the Judiciary, to add a provision that all Federal laws governing the administration of elections for Federal office are explicitly preserved.

During the Committee on House Administration's markup of the bill, a substitute amendment offered by the gentleman from Ohio (Chairman NEY) was adopted, which includes further changes that directly respond to concerns expressed by the minority. First, the current bill continues to allow States the option of having special election candidates selected by parties within 10 days, but would also authorize the States to select such candidates by any other method including primaries provided such method will ensure the State will hold the special election within the 45-day period.

Second, the bill considered today includes a provision that will allow seats left vacant by delegates and resident commissioners to also be filled by special election pursuant to the bill's requirements.

While some take the pessimistic view of the resiliency of the electoral process following an attack on the Nation's capital, I have a different view. I have no doubt that the boundless spirit of the American people will ensure that democracy prevails even in the most pressing conditions.

What I have heard from the opponents of this bill is that they say, well, we cannot have an election put together so quickly. The gentlewoman from Michigan (Mrs. MILLER), I think, has made it quite clear that from her experience as Michigan's Secretary of State and chief election officer that we will be able to do that. And I point out that what this bill does is to ensure the prompt filling of vacant seats in States that have long special election processes.

Virginia is able to fill vacancies in its general assembly by special election within 12 days after the vacancy occurs provided the Governor calls a special election. If Virginia makes that apply to vacancies in the House of Representatives, we are going to have a full Virginia delegation sitting in this Chamber or elsewhere legislating while the States that decide that they want to have more debates and keep the seats vacant will end up sitting unrepresented here.

What this bill does is that it speeds up the process in the slow States, the

ones that have lengthy special election processes, including the gentlewoman from California's own State.

The one seat in the House of Representatives that is vacant today is that occupied by our beloved colleague, the late Bob Matsui. He died on January 1. That was 63 days ago, and his seat is still unfilled. There is an election next week to fill the vacancy. But if no candidate in that election gets more than 50 percent of the vote, then we will wait until May 3 to find out who the new Representative from Sacramento, California is.

And what this bill will do is to make sure that California will have a full delegation as quickly as possible, notwithstanding the current State law, while other States fill their delegations up and those Representatives-elect will come to Congress and be seated and be functioning immediately after their election.

Let us make sure that every State as quickly as possible can have adequate representation. Let us pass this bill.

Mr. Chairman, I reserve the balance of my time.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I yield myself 30 seconds.

To respond to the gentleman's comments about California, it does show that we do need beyond 45 days to hold a special election, such as in the case of our late friend, Representative Bob Matsui. And also I refer to the committees that were convened to preserve our institution, and it aligns many States where the vacancy days for holding elections were not fewer than 74 days. So those are the number of days that are important that we need to adhere to.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Chairman, this bill does have flaws, as have been identified, and I think the criticisms are fairly taken. And the ranking gentlewoman's amendment is a sound one I will support. But in the end, we do need to have special elections in the case of a catastrophe. I voted for this last year and will vote for it again.

The problem is it misses the point of what happens in the 45 days or, if the gentlewoman from California (Ms. MILLENDER-MCDONALD) passes, in the 75 days. What happens then?

I read with some alarm the "Roll Call" article of December 6, 2004, on this subject, and I will quote from that article: "The country is going to be under martial law until we have elections anyway." That was actually said by the gentleman from Ohio (Mr. CHABOT), chairman of the Constitution Subcommittee. And I just must say, is the agenda martial law? Because that appears to be the case, and absent a constitutional amendment to allow for a temporary appointment, we will have martial law and the elimination of a Republic in this country.

Mrs. MILLER of Michigan. Mr. Chairman, I reserve the balance of my time.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I thank the gentlewoman for yielding me this time.

My good colleague from California raised the exact and critical point. The question is, what happens during those 45 days? We will need to support elections. There is not a single Member of this House who has not supported some form of general election, a special election, to replace the Members at some point. But during that 45 days, what happens?

The Chair of the Constitution Subcommittee says this is what happens: martial law. We do not know who would fill the vacancy of the Presidency, but we do know that the Succession Act most likely suggests it would be an unelected person.

The sponsors of the bill before us today insist, and I think rightfully so, on the importance of elections. But to then say that during a 45-day period we would have none of the checks and balances so fundamental to our Constitution, none of the separation of powers, and that the Presidency would be filled by an unelected member of the Cabinet who not a single member of this country, not a single citizen, voted to fill that position, and that that person would have no checks and balances from Congress for a period of 45 days I find extraordinary. I find it inconsistent. I find it illogical, and, frankly, I find it dangerous.

The gentleman from Wisconsin refused earlier to yield time, but I was going to ask him, if Virginia has those elections in a shorter time period, they should be commended for that. So now we have a situation in the Congress where the Virginia delegation has sent their Members here, but many other States do not have Members here. Do they at that point elect a Speaker of the House in the absence of other Members? And then three more States elect their representatives, temporary replacements, or full replacements at that point. They come in. Do they elect a new Speaker? And if that happens, who becomes the President under the Succession Act?

This bill does not address that question. This bill responds to real threats with fantasies. It responds with the fantasy, first of all, that a lot of people will still survive; but we have no guarantee of that. It responds with the fantasy that those who do survive will do the right thing. We are here having this debate, we have debates every day, because people differ on what the right thing is to do.

I have been in very traumatic situations with people in severe car wrecks and mountain climbing accidents. My experience has not been that crisis imbues universal sagacity and fairness. It has not been that. People respond in extraordinary ways, and we must preserve an institution that has the deliberative body and the checks and balances to meet those challenges.

□ 1145

Many of our States are going increasingly to mail-in ballots. We in this body were effectively disabled by an anthrax attack not long after September 11. I would ask my dear friends, will you conduct this election in 45 days if there is anthrax in the mail and still preserve the franchise of the American people? How will you do that? You have no answer to that question.

I find it extraordinary, frankly, that while saying you do not want to amend the Constitution, we began this very Congress by amending the Constitution through the rule, by undermining the principle that a quorum is 50 percent of the body and instead saying it is however many people survive. And if that rule applies, who will designate it, who will implement it? The Speaker, or the Speaker's designee? Again, not an elected person, as you say is so critical and I believe is critical, but a temporary appointee, frankly, who not a single other Member of this body knows who they are. So we not only have an unelected person, we have an unknown person who will convene this body, and who, by the way, could conceivably convene it for their own election to then become the President of the United States under the Succession Act.

You have refused steadfastly to debate this real issue broadly. You had a mock debate in the Committee on the Judiciary in which the distinguished chairman presented my bill without allowing me the courtesy or dignity to defend it myself. And on that, you proudly say you defend democracy. Sir, I think you dissemble in that regard.

Here is the fundamental question for us, my friends, and it is this: The American people are watching television and an announcement comes on and says the Congress has been destroyed in a nuclear attack, the President and Vice President are killed and the Supreme Court is dead and thousands of our citizens in this town are.

What happens next? Under your bill, 45 days of chaos. Apparently, according to the Committee on the Judiciary Subcommittee on the Constitution chairman, 45 days of marshal law, rule of this country by an unelected President with no checks and balances. Or an alternative, an alternative which says quite simply that the people have entrusted the Representatives they send here to make profound decisions, war, taxation, a host of other things, and those Representatives would have the power under the bill of the gentleman from California (Mr. ROHRABACHER) bill or mine to designate temporary successors, temporary, only until we can have a real election.

The American people, in one scenario, are told we do not know who is going to run the country, we have no Representatives; where in another you will have temporary Representatives carrying your interests to this great body while we deliberate and have real elections. That is the choice.

You are making the wrong choice today if you think you have solved this problem.

Mrs. MILLER of Michigan. Mr. Chairman, I continue to reserve my time.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in opposition to H.R. 841, and I regret the partisan flavor that seems to have become part of this debate.

Mr. Chairman, this bill offers a solution to a crisis, to a problem that we face, to a challenge that we face, but it is a solution that will not work. I plead with my fellow Republicans to listen to the arguments that have just been made and to determine for themselves whether or not this legislation will do the job that it claims it is intended to do.

I looked at it with an open heart and an open mind and find that I agree with the gentleman from Washington (Mr. BAIRD) that at a time when we need it the most, this bill will leave us in limbo, without leadership, and it will make America vulnerable at a time when we need leadership the most.

I oppose this legislation. This bill focuses on the continuity of the election process rather than the continuity of Congress. The people who wrote this bill got their priorities all mixed up as to what the purpose of this was supposed to be.

Mr. Chairman, the time frame in this bill of 45 days is both too long and too short. Forty-five days is too long to reconstruct the House of Representatives in a time of crisis when decisions need to be made immediately, so in that 45 days, when we are the most vulnerable, this legislation would leave America the most vulnerable.

But 45 days is also too short a period to preserve the democratic representation that we have heard about, because, yes, you could have elections, but it does not allow time for primary elections. So who are those elections going to be all about? Under this law, party bosses rather than party voters will choose the candidates; thus, they will choose the Representatives. This is hollow, a very hollow approach to democracy, suggesting that this would permit people to be elected, when in fact it will be the party bosses that will be deciding who the voters will have a chance to vote on.

The gentleman from Washington (Mr. BAIRD) and I have introduced a bipartisan constitutional amendment that solves the problems that H.R. 841 attempts to address, and it does this without the inevitable limitations of trying to fix a constitutional problem with a simple statute.

House Joint Resolution 26 provides for the immediate replacement of both deceased and incapacitated Members by alternates, who become acting Representatives only until a new Rep-

resentative is elected. Just as the Vice President of the United States is elected as part of a ticket with the President, alternate Representatives would go on the ballot and be elected as a ticket with their Representative so that in times of crisis, there would be immediate representation for the United States Congress and for the people throughout our country.

H.J. Res. 26 thus solves the constitutional problem that a statute such as H.R. 841 cannot. It provides for both the continuity of Congress and for the continuity of representation for every district in the country, even if only one Representative dies or is in incapacitated. Under our alternative, thus no district would ever be without representation.

H.R. 841, on the other hand, does nothing to address incapacity, and in the case of death, allows as many as 99 districts at a time to go without representation for months.

Under H.J. Res. 26, Acting Representatives would be every bit as much elected officials as the Vice President is, yet would serve only until a new Representative is elected under the fully democratic procedures used by States today. Thus the Rohrabacher-Baird amendment not only solves all the continuity problems, but also preserves the principle that only elected officials may cast a vote in the House of Representatives.

Mr. Chairman, although I oppose the bill before us, the Rohrabacher-Baird amendment is something that can be supported even by those who vote for the bill. I ask my colleagues for their support and co-sponsorship of H.J. Res. 26.

On 9/11 we lived through a crisis that at times seemed bizarre and even surreal. Many otherwise competent leaders were in a state of shock and at one moment when we gathered on the Capitol steps to send a message to the American people, Representative BAIRD and I realized more was needed and began singing God Bless America. All our colleagues joined in. That was the message the American people needed.

Today let's do what is needed for the American people at a time of maximum crisis.

Mr. Chairman, I would ask my fellow Republicans, please give this serious consideration. This is too important an issue to think about in terms of party politics. This is a time of crisis, when American people will be counting on us to do our best and to set up something that will work in a time of crisis.

Mrs. MILLER of Michigan. Mr. Chairman, I continue to reserve my time.

The CHAIRMAN. The Chair would announce that the gentlewoman from Michigan (Mrs. MILLER) has 12.5 minutes remaining, the gentleman from Wisconsin (Mr. SENSENBRENNER) has 2.5 minutes remaining and the gentlewoman from California (Ms. MILLENDER-MCDONALD) has 30 seconds remaining. The order of closing is the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentlewoman from California (Ms. MILLENDER-MCDONALD) and the gentlewoman from Michigan (Mrs. MILLER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the primary opposition to this legislation comes from people who have favored a constitutional amendment to provide for the appointment of substitute Representatives should there be a catastrophe that wipes out a significant part or all of the House of Representatives.

I believe last year, the House of Representatives laid that proposition to rest. We did have a full debate on the floor of the constitutional amendment that both the gentleman from Washington (Mr. BAIRD) and the gentleman from California (Mr. ROHRBACHER) supported. It only got 63 votes. Twenty votes are necessary for the two-thirds majority necessary to propose amendments to the Constitution on any subject, and I believe that the House of Representatives at that time clearly and emphatically spoke in favor of maintaining elections as the only way one could enter the House of Representatives, the people's House.

So now we hear that the 49 days that are proposed in this bill are too short to be able to organize a proper election in a time of crisis. I do not think that is correct. During the Second World War, Great Britain was under attack constantly by the German Air Force, and even during the war they were able to hold special elections to fill vacancies in the House of Commons within 42 days. Democracy prevailed because the people of Great Britain insisted that it do so, and those elections worked and those people who were elected entered the House of Commons with a mandate from the people.

This bill will work just as well in a time of crisis as a way of repopulating the House. We are not going to have appointed Representatives. The constitutional amendment has been overwhelmingly rejected here. So the responsible thing to do is to speed up the special election process, particularly in those States like California where it takes forever to fill a vacancy so that the States can have full representation as quickly as possible.

Pass the bill.

Mr. Chairman, I yield back the balance of my time.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this bill is not a bill that will work. You have heard it from several Members. This bill is unfair and is undemocratic. It has also been shown it is too short a time to conduct special elections in many States. It is insufficient time for voter registration and for those who want to participate in this unscheduled election. New voters will be blocked out of the system entirely. Is this what we want, given the last election of 2004? I think not.

This bill simply represents the wrong choices of values in a democracy. This bill should be voted down.

Mrs. MILLER of Michigan. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the Continuity in Representation Act provides a process to ensure that our democratic government remains stable and orderly during a possible time of great instability. In addition, it preserves the unique status of the House of Representatives by continuing the tradition and the constitutional mandate that every Member of this body must be elected by his or her constituents. In such a time of crisis, the people of this Nation must have a voice in the critical decisions that are being made. This legislation ensures that that will be the case.

The time limit of 49 days that this bill lays out is more than adequate, Mr. Chairman. In fact, a survey of election officials confirmed that this is a realistic time frame, and I will tell you as a former elections official myself, I concur with those findings.

Furthermore, several States already have laws in place that require special elections to be conducted in a shorter period of time than the 49-day limit that this legislation requires. It is a short enough period that the House is reconstituted quickly and loses none of its authority, and, at the same time, it is a long enough period for fair elections to be conducted.

When this issue was before the 108th Congress, Mr. Chairman, the House acted in an overwhelmingly bipartisan fashion and approved the Continuity in Representation Act by a more than three-to-one margin. In fact, H.R. 841 that we consider today has improved on the previous bill by addressing the following reservations that some Members of the House and some of the States had regarding that bill.

First, the special election privilege is extended now to Delegates and Resident Commissioners so that they could be replaced just as quickly as Members.

Second, the legislation explicitly gives States any method that they choose to select the candidates for special elections. Certainly as an advocate of States' rights, this provision was extremely important to both myself and many of us here in this Chamber.

Finally, the time limit for special elections to be completed has been extended to 49 days from the time of the Speaker's announcement that over 100 vacancies exist. This gives local and State officials 7 full weeks to select candidates, to print ballots and to fully execute those special elections.

□ 1200

With these changes I am hopeful that the bipartisan support for this legislation will be even greater today than it has been in the past. Mr. Speaker, this is not simply a bill about elections or the best way to replace Members of Congress. Mr. Chairman, this bill is about the strength of our Nation. It is about our ability to secure the home-

land, and it does that by ensuring that our democratically elected government is able to respond in the face of an urgent threat.

Homeland security is not a Republican issue. It is not a Democratic issue. This is an issue that affects every single American, Mr. Chairman; and the Congress should act in the interest of America and of democracy.

I urge all of my colleagues to join me in supporting H.R. 841, and I look forward very much to supporting and passing this important and historic legislation.

Mr. PAUL. Mr. Chairman, I am pleased to support H.R. 841, the Continuity in Representation Act, introduced by my distinguished colleague, House Judiciary Committee Chairman JAMES SENSENBRENNER. H.R. 841 provides a practical and constitutional way to ensure that the House of Representatives can continue to operate in the event that more than 100 Members are killed. H.R. 841 thus protects the people's right to choose their Representatives at the time when such a right may be most important, while ensuring continuity of the legislative branch.

Article I section 2 of the United States Constitution grants State governors the authority to hold special elections to fill vacancies in the House of Representatives. Article I, section 4 of the Constitution gives Congress the authority to designate the time, place and manner of such special elections if States should fail to act expeditiously following a national emergency. Alexander Hamilton, who played a major role in the drafting and ratification of the United States Constitution, characterized authority over Federal elections as shared between the States and Congress, with neither being able to control the process entirely. H.R. 841 exercises Congress's power to regulate the time, place and manner of elections by requiring the holding of special elections within 45 days after the Speaker or Acting Speaker declares 100 Members of the House have been killed.

I have no doubt that the people of the States are quite competent to hold elections in a timely fashion. After all, it is in each State's interest to ensure it has adequate elected representation in Washington. The version of H.R. 841 before Congress today was drafted with input from State elections commissioners to make sure it sets realistic goals and will not unduly burden State governments.

I am disappointed that some of my colleagues reject the sensible approach of H.R. 841 and instead support amending the Constitution to allow appointed Members to serve in this body. Allowing appointed Members to serve in "the people's house" will fundamentally alter the nature of this institution and sever the people's most direct connection with their government.

Even with the direct election of Senators, the fact that Members of the House are elected every 2 years while Senators run for statewide office every 6 years means that Members of the House of Representatives are still more accountable to the people than members of any other part of the Federal Government. Appointed Members of Congress simply cannot be truly representative. James Madison and Alexander Hamilton eloquently made this point in *Federalist* 52:

As it is essential to liberty that the government in general should have a common

interest with the people, so it is particularly essential that the branch of it under consideration should have an immediate dependence on, and an intimate sympathy with, the people. Frequent elections are unquestionably the only policy by which this dependence and sympathy can be effectively secured.

Mr. Chairman, there are those who say that the power of appointment is necessary in order to preserve checks and balances and thus prevent an abuse of executive power during a time of crisis. Of course, I agree that it is very important to carefully guard our constitutional liberties in times of crisis and that an over-centralization of power in the executive branch is one of the most serious dangers to that liberty. However, Mr. Chairman, during a time of crisis it is all the more important to have Representatives accountable to the people. Otherwise, the citizenry has no check on the inevitable tendency of government to infringe on the people's liberties at such a time. I would remind my colleagues that the only reason we are considering reexamining provisions of the PATRIOT Act is because of public concerns that this act gives up excessive liberty for a phantom security. Appointed officials would not be as responsive to public concerns.

Supporters of amending the Constitution claim that the appointment power will be necessary in the event of an emergency and that the appointed Representatives will only be temporary. However, the laws passed by these "temporary" Representatives will be permanent.

Mr. Chairman, this country has faced the possibility of threats to the continuity of this body several times in our history. Yet no one suggested removing the people's right to vote for Members of Congress. For example, the British in the War of 1812 attacked the city of Washington, yet nobody suggested the States could not address the lack of a quorum in the House of Representatives through elections. During the Civil War, the neighboring State of Virginia, where today many Capitol Hill staffers reside and many Members stay while Congress is in session, was actively involved in hostilities against the United States Government. Yet, Abraham Lincoln never suggested that non-elected persons serve in the House. Adopting any of the proposals to deny the people the ability to choose their own Representatives would let the terrorists know that they can succeed in altering our republican institutions. I hope all my colleagues who are considering rejecting H.R. 841 in favor of a constitutional amendment will question the wisdom of handing terrorists a preemptive victory over republican government.

As noted above, the Framers gave Congress all the tools it needs to address problems of mass vacancies in the House without compromising this institution's primary function as a representative body. In fact, as Hamilton explains in Federalist 59, the "time, place, and manner" clause was specifically designed to address the kind of extraordinary circumstances imagined by those who support amending the Constitution.

In conclusion, I urge my colleagues to support H.R. 841, the Continuity in Representation Act, which ensures an elected Congress can continue to operate in the event of an emergency. This is what the drafters of the Constitution intended. Furthermore, passage of H.R. 841 sends a strong message to terror-

ists that they cannot alter our republican government.

Mrs. MILLER of Michigan. I yield back the balance of my time, Mr. Chairman.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 841

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Continuity in Representation Act of 2005".

SEC. 2. REQUIRING SPECIAL ELECTIONS TO BE HELD TO FILL VACANCIES IN THE HOUSE IN EXTRAORDINARY CIRCUMSTANCES.

Section 26 of the Revised Statutes of the United States (2 U.S.C. 8) is amended—

(1) by striking "The time" and inserting "(a) IN GENERAL.—Except as provided in subsection (b), the time"; and

(2) by adding at the end the following new subsection:

"(b) SPECIAL RULES IN EXTRAORDINARY CIRCUMSTANCES.—

"(1) IN GENERAL.—In extraordinary circumstances, the executive authority of any State in which a vacancy exists in its representation in the House of Representatives shall issue a writ of election to fill such vacancy by special election.

"(2) TIMING OF SPECIAL ELECTION.—A special election held under this subsection to fill a vacancy shall take place not later than 45 days after the Speaker of the House of Representatives announces that the vacancy exists, unless, during the 75-day period which begins on the date of the announcement of the vacancy—

"(A) a regularly scheduled general election for the office involved is to be held; or

"(B) another special election for the office involved is to be held, pursuant to a writ for a special election issued by the chief executive of the State prior to the date of the announcement of the vacancy.

"(3) NOMINATIONS BY PARTIES.—If a special election is to be held under this subsection, the determination of the candidates who will run in such election shall be made—

"(A) by nominations made not later than 10 days after the Speaker announces that the vacancy exists by the political parties of the State that are authorized by State law to nominate candidates for the election; or

"(B) by any other method the State considers appropriate, including holding primary elections, that will ensure that the State will hold the special election within the deadline required under paragraph (2).

"(4) EXTRAORDINARY CIRCUMSTANCES.—

"(A) IN GENERAL.—In this subsection, 'extraordinary circumstances' occur when the Speaker of the House of Representatives announces that vacancies in the representation from the States in the House exceed 100.

"(B) JUDICIAL REVIEW.—If any action is brought for declaratory or injunctive relief to challenge an announcement made under subparagraph (A), the following rules shall apply:

"(i) Not later than 2 days after the announcement, the action shall be filed in the United States District Court having jurisdiction in the district of the Member of the House of Representatives whose seat has been announced to

be vacant and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

"(ii) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives.

"(iii) A final decision in the action shall be made within 3 days of the filing of such action and shall not be reviewable.

"(iv) The executive authority of the State that contains the district of the Member of the House of Representatives whose seat has been announced to be vacant shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the announcement of such vacancy.

"(5) PROTECTING ABILITY OF ABSENT MILITARY AND OVERSEAS VOTERS TO PARTICIPATE IN SPECIAL ELECTIONS.—

"(A) DEADLINE FOR TRANSMITTAL OF ABSENTEE BALLOTS.—In conducting a special election held under this subsection to fill a vacancy in its representation, the State shall ensure to the greatest extent practicable (including through the use of electronic means) that absentee ballots for the election are transmitted to absent uniformed services voters and overseas voters (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act) not later than 15 days after the Speaker of the House of Representatives announces that the vacancy exists.

"(B) PERIOD FOR BALLOT TRANSIT TIME.—Notwithstanding the deadlines referred to in paragraphs (2) and (3), in the case of an individual who is an absent uniformed services voter or an overseas voter (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act), a State shall accept and process any otherwise valid ballot or other election material from the voter so long as the ballot or other material is received by the appropriate State election official not later than 45 days after the State transmits the ballot or other material to the voter.

"(6) APPLICATION TO DISTRICT OF COLUMBIA AND TERRITORIES.—This subsection shall apply—

"(A) to a Delegate or Resident Commissioner to the Congress in the same manner as it applies to a Member of the House of Representatives; and

"(B) to the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, and the United States Virgin Islands in the same manner as it applies to a State, except that a vacancy in the representation from any such jurisdiction in the House shall not be taken into account by the Speaker in determining whether vacancies in the representation from the States in the House exceed 100 for purposes of paragraph (4)(A).

"(7) RULE OF CONSTRUCTION REGARDING FEDERAL ELECTION LAWS.—Nothing in this subsection may be construed to affect the application to special elections under this subsection of any Federal law governing the administration of elections for Federal office (including any law providing for the enforcement of any such law), including, but not limited to, the following:

"(A) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), as amended.

"(B) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ff et seq.), as amended.

"(C) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973fff et seq.), as amended.

"(D) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), as amended.

"(E) The Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), as amended.

"(F) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), as amended.

"(G) The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.), as amended."

The CHAIRMAN. No amendment to the committee amendment is in order

except those printed or considered as printed in House Report 109-10. Each amendment may be offered only in the order printed or considered as printed in the report, by a Member designated, shall be considered read, shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment and shall not be subject to a demand for division of the question.

It is now in order to consider the amendment considered to be the first amendment printed in House Report 109-10.

AMENDMENT OFFERED BY MR. NEY

Mr. NEY. Mr. Chairman, I offer the manager's amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment made in order pursuant to House Resolution 125 offered by Mr. NEY:

In section 26(b)(2) of the Revised Statutes of the United States, as proposed to be added by the bill, strike "45 days" and insert "49 days".

The CHAIRMAN. Pursuant to House Resolution 125, the gentleman from Ohio (Mr. NEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer this manager's amendment, but first I want to thank the gentlewoman from Michigan (Mrs. MILLER). She is our able new committee member. We are so pleased to have the gentlewoman on the Committee on House Administration and thank her for managing this bill.

She is a former Secretary of State. She brings a wealth of knowledge and personal experience regarding running elections to this debate. And of course House Administration does a wide variety of things, but we also oversee Federal election laws, so we appreciate her carrying this bill through, and also her perspectives on it.

And it is a pleasure to be here with the gentlewoman from California (Ms. MILLENDER-MCDONALD), our new ranking member. And again, we like the working relationship we have had on the issues.

Mr. Chairman, H.R. 841, the Continuity in Representation Act of 2005 is an important piece of legislation that furthers the vital objective of ensuring that the people's House would continue to function effectively and with legitimacy in the event of a catastrophic terrorist attack in which a large number of House Members would be killed.

This amendment I am introducing today would extend the time frame for holding expedited special elections from 45 days to 49 days. The addition of the extra days would provide additional time for State and local election officials to prepare for expedited special elections and for the voting public to make informed choices.

This amendment also addresses the concerns of those who felt that too little time was provided for conducting expedited special elections. It marks yet another step the majority has been willing to take to accommodate some concerns that have been raised by the minority.

Last Congress, Doug Lewis, executive director of the Election Center, a non-profit organization representing State and local election officials whose purpose is to promote, preserve and improve democracy, testified before our committee that it appears that elections administrators feel they can conduct an election within as few as 45 days. He had varied opinions on how long, frankly, this process could take. He pointed out, however, that any additional days would enable election officials to better prepare for the election and ensure that the process went forward as smoothly as possible.

When operating under a tight time frame, any additional time can make a difference in the quality of the process. Thus I believe this amendment enables us to better strike the proper balance between the demand to fill House vacancies through special elections in as short a time frame as possible and the need for election officials and the voting public to have the necessary time to get ready for elections and to examine the candidates and the issues.

It is a good important piece of legislation. And I want to thank the gentleman from Wisconsin (Chairman SENBRENNER) for carrying this through. And it preserves the fundamental character of the House as a body consisting of only elected Members and allows for reconstitution of that body as quickly as possible if we ever face these terrible circumstances which we hope do not happen. Therefore, I urge my colleagues to support this amendment and the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. ROHRABACHER. I claim the time for the opposition.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume. I oppose this amendment because it does not correct the fundamental flaw of H.R. 841, which is leaving the United States of America at a time of its worst crisis, its worst potential crisis that you can imagine, it leaves the American people in the lurch, leaves them without representative government and without representation in the Congress for 7 weeks. According to this amendment, there will be no representation for the American people at a time when our government needs leadership.

On 9/11 we lived through a crisis which at times seemed bizarre and even surreal. Many otherwise competent leaders were in a state of shock and at that moment, on 9/11, did not necessarily know or were incapable of doing exactly what the right thing was.

Many of us gathered at the Capitol on that fateful day; we gathered on the steps to back up our leadership. The purpose was to send a message to the American people. Representative BARRETT and I realized, once a very short message had been given by our leaders, that the message was not adequate enough. And let me note that on that day, that time of crisis when we were all in confusion, standing on the Capitol about ready to break up, Representative BARRETT and I looked at each other in our eyes and said this is not enough. We are going to start singing God bless America right now. And it was Representative BARRETT and myself that started leading that singing and were joined in by our colleagues.

Let me note that that was the message the American people needed to hear of unity and God bless America at this time.

Let us today do what is needed for the American people at the time of the next crisis. What is happening is we are being offered an alternative that will leave them in the lurch, leave them wanting at the time of maximum crisis. If we do believe in God bless America, let us join in now with the partisan flavor of this debate and do what is right to make sure our people are prepared if our country is ever attacked like this again.

Mr. Chairman, I yield the balance of my time to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I want to thank my good friend from California (Mr. ROHRABACHER). I will always remember that day, as we all will. His point is well taken.

I understand there is good intent behind the bill before us today and the amendment, but it is not enough. It simply is not. It leaves our country vulnerable for 45 days and that is too long.

The distinguished chairman of the Committee on the Judiciary made some comments recently that suggested that somehow terrorists would oppose this bill and by some implication would favor the bill the gentleman from California (Mr. ROHRABACHER) and I have put forward because it seems to support their autocratic views of government. Nothing could be further from the truth.

In fact, what our bill would do is tell the terrorists, you could come on a single day and set off a nuclear weapon in this town and kill every single Member of us; and though we would be missed, the very next day the Congress would be up and functioning with every single State, every single district having full representation by statesmen and stateswomen at a time of national crisis.

That is what the gentleman from California (Mr. ROHRABACHER) and I are trying to do. We are trying to tell the terrorists, you can kill all of us as individuals, but you will not defeat this institution. You will not defeat the principle of representation. You will not

defeat the principles of checks and balances. You will not impose martial law.

Here is the irony. If terrorists hit us today when we finally vote on this, let us suppose a few Democrats do not make it over here. You are leaving this country vulnerable to change in power. If the terrorists were to strike your conference retreat where the President speaks to the Republican House and Senate Members and kill hundreds of House and Senate Members on the Republican side, the Democrats at that point claim the majority. The Democrats at that point elect a Speaker of the House. I am a Democrat, for goodness sakes; but that is not the way to leave our country vulnerable.

You are leaving your own party, you are leaving the will of the people through their elections vulnerable. If we have temporary replacements, you immediately reconstitute the House; you immediately ensure representation; you assure that you maintain the balance of political power; and you do it in an orderly, structured way with no chaos, in a way that is constitutionally valid by definition.

What you have proposed is not necessarily constitutionally valid. It leaves the terrorists able to change our system of government. It depends on a fantasy immediate or quick election. It does not allow really qualified people necessarily to get here and act in time. There are so many things you have left undone.

You are going to try to say that at the start of this year we have solved this problem; let us go home.

You have not solved the problem, and it is a doggone disgrace, and it is a danger to this country.

The other day a gentleman testified before the Committee on the Budget and said this: "The lack of preparation for continuity, for true continuity invites attack."

You are inviting attack. Not preventing attack.

The CHAIRMAN. The gentleman from Ohio (Mr. NEY) has 2 minutes remaining.

Mr. NEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. NEY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment number 1 printed in House Report 109-10 or the amendment made in order in lieu thereof.

AMENDMENT OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-MCDONALD. Mr. Chairman, I offer an amendment in lieu of amendment No. 1.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment made in order pursuant to H. Res. 125 in lieu of amendment No. 1 printed in House Report 109-10 offered by Ms. MILLENDER-MCDONALD:

In section 26(b)(2) of the Revised Statutes of the United States, as proposed to be added by the bill, strike "shall take place" and all that follows through "the vacancy exists," and insert the following: "shall take place not later than 60 days after the Speaker of the House of Representatives announces that the vacancy exists,".

The CHAIRMAN. Pursuant to House Resolution 125, the gentlewoman from California (Ms. MILLENDER-MCDONALD) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this compromise amendment would change the overall deadline to conduct expedited special elections under extraordinary circumstances to 60 days instead of the 49 which we just voted on.

I urge Members to support 60 days because it is a more practical and realistic deadline, places less burden on the States, and still accomplishes the bill's goals to expedite special elections in a large number of States.

A 60-day deadline would allow more time for States to attempt to implement the election law restructuring, whatever that might be, and require to comply with the bill's goals.

It would also allow some States more options if they wish to preserve their primary elections which at the insistence of the minority are no longer explicitly prohibited by this version of the legislation. But while primaries may no longer be barred, 49 days to hold both a primary and a special election is still a high bar to meet.

Mr. Chairman, I would like to read from a letter that was presented by Kevin Kennedy, the executive director to the State Elections Board of Wisconsin, the State which the author of the bill comes from. And he states in portions of the letter: "62 days is the minimum time necessary to ensure proper mechanical operation of an expedited special election, consistent with democratic integrity, and offering of all voters the opportunity of a meaningful opportunity to vote."

This is what I am speaking about in my amendment. The principle 49 days is really not enough time; and so, therefore, the bill is really flawed because it decrees that the elections will occur 49 days after the Speaker's announcement. But having said that, what would happen next?

How States which would have to reduce their preexisting time frame for special elections could actually accomplish this is the great unknown. Would it require States' enactments, States' constitutional amendments, popular referenda in some States?

I do not know the answers and the bill's sponsors surely do not know the answers. But 60 days at least provides some additional flexibility in the hands of the decision-makers who must grapple with the jig-saw puzzle of demands the bill places upon them. Sixty days is

not a magic bullet any more than 49 days is; but experience as well as decades spent as candidates running for public office teaches us to err on the side of flexibility, especially at a time of potential national crisis.

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This amendment is an effort to find common ground after the House rejected a 75-day time frame offered last year by the gentleman from Connecticut (Mr. LARSON). My 60-day amendment also conforms to the recommendations of the Election Center, which represents the Nation's voting registration and election officials and administrators at the city, township, county and State levels. Proponents seeking a truncated time frame for this legislation have often, misleadingly, cited Doug Williams, Executive Director of the Election Center, which, once again, represents the Nation's voting registration and election officials and administrators at the city, township, and State levels, but he has not endorsed this bill, and he has said that 45 days is still too short and that a time frame closer to 60 days would provide States a greater assurance of success. State and local election officials at election process forums over the last 2 years have raised questions about the time frame as well.

In testimony prepared before the Committee on House Administration on September 19, 2003, Mr. LEWIS framed the debate as follows: "What is an election? Is it a date-certain event so that voters can vote? Or is it more than that? Is an election in American democracy really a process that includes time for the identification of candidates, the ability of candidates to mount a campaign, to raise funds, to attract supporters, to inform the voters of what their choices are between the individual contestants, and then going to the polls to make that choice? The point is this: If it is only an event, then we can structure an event in a short time frame and carry out the event as flawlessly as possible. If, however, you define it in the broadest possible terms, then you have to allow the process time to work."

Mr. Chairman, I agree that elections are a process which implement democracy.

Mr. Chairman, I reserve the balance of my time.

Mrs. MILLER of Michigan. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, the amendment proposed by the gentlewoman from California, while certainly a very well-intentioned amendment, is completely unnecessary and, I believe, would severely weaken this bill.

While this amendment would only increase the time limit in which to conduct the special election by 11 days, more than the limit provided for in H.R. 841, it would weaken the power of Congress in a significant way. According to the War Powers Act, when the

President has put our Armed Forces into action, Congress must act within 60 days to either approve or to disapprove the use of those troops. Following an attack in which over 100 Members of Congress have been killed, it is quite likely that a military response would be required.

If Congress is not reconstituted within this 60-day period, it would lose its ability to either affirm or disapprove of the executive's use of military actions and, thus, the power of the legislative branch would be diminished. The amendment by the gentlewoman would prevent Congress from acting in this situation. H.R. 841, as it stands, would allow for Congress to reconstitute and to act on such an important matter.

Another argument against this amendment, Mr. Chairman, is that while it is not only dangerous, again it is completely unnecessary. A survey of election officials, as I mentioned earlier, shows that 49 days is a reasonable period of time in which to conduct a special election. And as a former chief elections officer of the State of Michigan, I agree with that assessment. As the legislation currently stands, States would have the option, and let me reiterate again, the States have the option of eliminating the primary election and permitting political parties recognized by State law to choose those candidates.

In turn, this would eliminate the petition requirements, and the verification process that accompanies it. Additionally, it is again very important to remember that the U.S. Representative position would really be the only race on the ballot. Again, dramatically easy printing, programming, and testing.

Furthermore, Mr. Chairman, the passage of the Help America Vote Act of 2002, HAVA, as it is commonly called, has helped prepare election officials more than ever to conduct such a special election. HAVA is granting Federal dollars to the States in historic proportions, dollars that are being used to eliminate antiquated election equipment, and the States are purchasing new state-of-the-art equipment. States have either constructed or are moving towards construction of statewide, computerized voter registration files, similar, as I mentioned, to the one we built in Michigan several years ago.

Technology is allowing these lists to be updated literally daily, so that a clean up-to-date file can be printed out any date of the year and provided to every polling site. Again, a fantastic election tool for any election, but particularly so in this case for an expedited election.

Also, States are rapidly moving towards a uniform system of voting machines. Uniformity of election equipment in a State will enable vendors to always have a camera-ready template on the ballot, and then all they have to do is just fill in the name of the nominees for U.S. Representative and go to print. Having a uniform system will

eliminate confusion amongst poll workers and further ease election preparation.

Finally, Mr. Chairman, some States already prescribe that special elections be conducted in a period of time even shorter than this. The gentleman from Wisconsin (Mr. SENSENBRENNER) mentioned the Virginia experience; Minnesota, I believe, requires a 30- or 35-day limit as well. All of this goes to prove that the amendment is completely unnecessary. The only thing that this amendment would effectively do is extend the time period for which some parts of the Nation would not be represented in this body, in the United States House of Representatives. And there is never a good reason to do that, Mr. Chairman.

While it is true that State and local officials must have sufficient time to conduct elections, it is imperative that they be completed as quickly as possible so that there is some semblance of continuity in representation. There should not be any unnecessary delay to this process.

Mr. Chairman, I reserve the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Chairman, I yield 4 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), a former Secretary of State.

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I rise today in opposition to this legislation and am disappointed we are taking up this measure again when we should be debating this issue in a more thoughtful and comprehensive manner. Many of my colleagues, including the gentleman from Washington (Mr. BAIRD), the gentleman from California (Mr. COX), the gentleman from Ohio (Mr. NEY) and the gentlewoman from California (Ms. MILLENDER-McDONALD) have tried to encourage dialogue on this matter, but this bill simply does not address many of the concerns raised by Members and outside experts during the last 3½ years.

If under H.R. 841 the House experienced the deaths of more than 100 Members, the Speaker could direct States to conduct special elections now within 49 days. Well, Mr. Chairman, I am sure that the authors of this legislation had all the good intentions in the world, but unfortunately we find in the real world, in practice, it does not always work out as we had intended. As a former Secretary of State, I have run numerous elections, and I can tell you that the 49-day limit would constrain election officials' ability to prepare ballots, train poll workers, select polling locations, and inform the voting public about the process.

Mr. Chairman, make no mistake about it, under this limited time frame, there would be voters who would be disenfranchised. The mail bal-

lot process itself can be very cumbersome, and I can guarantee you that very potentially the elderly, people with disabilities, and most especially, our men and women in uniform who are overseas would potentially be disenfranchised by this shortened time frame.

Now, at a time when our Nation would be looking to its government for answers, it will instead face confusion and uncertainty about how its leaders are elected. Mr. Chairman, it would seem to me to be reasonable to support the gentlewoman's amendment to extend the time period to 60 days. At the very least, if we are going to do this, I believe we need to do it the right way, and this would allow us the extra time we would need.

But, Mr. Chairman, my colleague the gentleman from California (Mr. ROHR-ABACHER) really said it right. Whether it is 49 days or the 60 days, it is really both too long and too short. Even if we were able to hold special elections within the 49 days, that would still be too long for Congress to remain inactive. I want to remind everyone that in the 6 weeks after the attacks of September 11, Congress passed legislation authorizing the use of military force, an airline assistance measure, an economic stimulus bill, the Defense Authorization Act, numerous appropriation bills, the farm bill, legislation pertaining to bioterrorism, victims assistance, and terrorism financing.

H.R. 841 would leave important decisions to a greatly diminished and possibly unrepresentative House. Worse, in the case of widespread incapacitation, the House would be unable to achieve a quorum and become inoperative during a time of crisis. A recent change in House rules tried to circumvent this problem by creating a provisional quorum, which would permit a smaller number of Members to constitute a quorum in emergency circumstances. However, one must question the constitutionality and public support of laws that would be passed by a handful of Members during a time of national crisis.

The House is attempting to address this complex issue over congressional continuity, Mr. Chairman, by passing feel-good legislation and tweaking our internal rules. But I am disappointed that H.R. 841 does not take a comprehensive approach to continuity nor does it address a priority of mine, deciding how Congress could communicate and function if terrorist acts prevented it from meeting in one location.

Mr. Chairman, these matters warrant greater discussion than the limited bill before us, and I urge my colleagues to oppose H.R. 841 so that we can have the full debate that this Congress and our Nation deserves.

Mrs. MILLER of Michigan. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary,

who has been a driving force in bringing this legislation to the floor today.

Mr. SENSENBRENNER. Mr. Chairman, I would like to make three points.

First, under the 60-day time frame proposed by the gentlewoman's amendment, the time under the War Powers Act for Congress to make a decision following an attack will have expired and, consequently, less than the full House will make the important decisions relative to under what circumstances American troops will be committed overseas. Under the 49-day time limit, that problem will not exist because the House will be reconstituted and repopulated before the War Powers Act limitation expires.

Secondly, the purpose of this bill is to require special elections to be held in those States with slower special election processes, to be held as quickly as possible within the 49-day period. The gentlewoman from California has read parts of the letter that Mr. Kennedy, who is the Executive Director of the Wisconsin Elections Board has written. I would respond to that simply by saying if Virginia repopulates the House, or its delegation to the House within 12 days and it takes at least 62 days for Wisconsin to do so, 50 days will elapse, or almost 2 months will elapse while Wisconsin has either a reduced or no delegation in the House, but the House keeps on legislating. And that is not fair to the people of my State, and it is not fair to the people of the other States, including the gentlewoman from California's own State that have relatively slow special election procedures.

So that is why this bill is here, is to speed up the process by which States can fill up their delegations to the House so that they will be fully represented when important decisions are made. And should this bill go down and the slow States continue to be really slow, then their delegations will either be nonexistent or have a relatively few number of Members.

Now, the final point I would like to make is that we have heard everybody who is against this bill say that this is too fast and too slow. Well, to speed up the process of repopulating the House, quicker than when special elections can be held, will require a constitutional amendment. We did debate a constitutional amendment and it was defeated by a vote of 63 ayes to 350-plus noes. This House is firmly on record against an appointment procedure however it is done.

So now we have to figure out how to make the special election procedure occur as quickly as possible and yet maintain fairness. The 49 days required under this bill is the way to do it to get people here to make important decisions under the War Powers Act. Sixty days or a longer period of time simply will not cut it. Defeat the amendment and pass the bill.

Ms. MILLENDER-McDONALD. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentlewoman from California has 6 minutes remaining.

Ms. MILLENDER-McDONALD. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. BROWN), who is also a former Secretary of State.

□ 1230

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I rise in support of the Millender-McDonald amendment and to express concern for the underlying bill. I am glad we are considering legislation that would address what should be done in the event of a large-scale incapacitation of Congress. It obviously makes sense to do that. It is more essential than ever in a time of national emergency that democracy be preserved.

Our Constitution established the House of Representatives to provide directly elected representation in the event of a catastrophe that must be restored as quickly as possible. We have heard sort of grand, philosophical statements of our allegiance to democracy on the floor of this House; but at the same time, we need to be practical about what actually can work in a time of national crisis.

I think my friends on the other side of the aisle have glossed over the problems that especially military voters, the elderly, others who do not have access on an election day to the polls, the kind of problems that they would face.

I was Secretary of State in the 1980s for 8 years in the State of Ohio, a large State with several million registered voters, a State that has always had a tradition of bipartisan elections conducted fairly. The year of 2004 may have been different where the election machinery frankly was not so well administered as it had been in the past by Secretaries of State of both parties. That aside, I have serious concerns as a former Secretary of State about the legislation we are considering today. Forty-nine days establishes an unrealistic time frame for holding legitimate, fair elections where people have access to the polling booth.

In a national emergency, Congress must be able to provide immediate relief, and this legislation would allow the country to elect representation for those 6 or 7 weeks. You cannot, I believe, hold fair elections, accessible elections, in 49 days. The process simply takes longer than that. Again, military voters, people far away outside the country, in uniform serving our country, elderly voters who do not have access to the polls, the most vulnerable among us, in many ways, that cannot simply do that.

There are alternatives, and I want to answer the concerns of the gentleman from Wisconsin (Chairman SENSENBRENNER). There are alternatives that would create immediate representation while providing a framework for States to conduct elections. I supported legislation last year that, as the gentleman

from Wisconsin (Chairman SENSENBRENNER) said, was defeated, but could be considered in the light of understanding how elections actually work in that there needs to be a time line to get candidates on the ballots, to get the ballots printed, to get them sent to the Armed Forces around the world, and get those ballots back in time for an election.

The Baird proposal would allow States to appoint temporary replacements for deceased or incapacitated Representatives. States could then conduct special elections to elect permanent Representatives according to State laws.

I support the Millender-McDonald amendment because appointing the process, if we could do that down the line, and I understand that is not on the table today, but to do them in 45 or 49 days simply is not practical, and too many people will be denied the right to vote.

We want to do this right. We want to refill, if you will, the House of Representatives as quickly as possible, but we want to do it in the most democratic way possible, and ultimately that means giving the election machinery time so that everyone, especially our servicemen and -women overseas, so that everyone has access to the ballots. I think the underlying bill does not do that. I think the Millender-McDonald amendment makes this bill work much better than it does otherwise. I ask support for the Millender-McDonald amendment.

Mrs. MILLER of Michigan. Mr. Chairman, I yield myself the balance of my time.

As I have listened to the debate, I feel more strongly than ever that this amendment would severely weaken the impact of H.R. 841. I urge my colleagues to reject the Millender-McDonald amendment.

Mr. Chairman, I yield back the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Chairman, I yield myself the balance of my time.

In this book we have, the first "Report of the Continuity of Government Commission," in that it outlined an election in Michigan, Michigan's Third Congressional District where the vacancy occurred in 1993, and the time that was allotted for that election was 178 days, which brought us the distinguished gentleman from Michigan (Mr. EHLERS) who is part of our committee.

Mr. Chairman, in returning to the testimony of Mr. Doug Lewis, executive director of Election Center, after polling election officials from around the country, he summarized the results: "While the responses indicated a variety of dates ranging from the shortest time period of 35 days after determination of who the candidates will be to a period of 4 months, it appears that election administrators feel that they can conduct an election with as few as 45 days. However, the election officials would be far more confident

that the interest of democracy would be best served by having up to 60 days to get the elections organized and held. Each additional day beyond the 45 day minimum time frame creates greater confidence in the process."

Mr. Chairman, I prefer to come down on the side of the interest of democracy, and my instincts after campaigns for local, State, and Federal office tell me 49 days is simply too short.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MILLENDER-McDONALD).

The question was taken; and the Chairman announced that the yeas appeared to have it.

Ms. MILLENDER-McDONALD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. MILLENDER-McDONALD) will be postponed.

It is now in order to consider amendment No. 2 printed in House Report 109-10.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered Ms. JACKSON-LEE of Texas:

In section 26(b)(4)(B)(i) of the Revised Statutes of the United States, as proposed to be added by the bill, strike "2 days" and insert "5 days".

In section 26(b)(4)(B)(iii) of the Revised Statutes of the United States, as proposed to be added by the bill, insert after "the action" the following: "(taking into account an opportunity for an expedited appeal of the initial decision)".

In section 26(b)(4)(B)(iv) of the Revised Statutes of the United States, as proposed to be added by the bill, insert after "vacant" the following: "and any citizen of the district or any group of citizens of the State".

The CHAIRMAN. Pursuant to House Resolution 125, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to inquire of the distinguished gentleman from Wisconsin (Chairman SENSENBRENNER), I have an amendment in the nature of a substitute. In the spirit of collegiality, I realize that we have a rule, but I gained a sense that the Committee on House Administration would be supportive of this substitute which would only allow an added 5 days for an appeal from 2 days, less than a week. I would inquire of the chairman of the Committee on the Judiciary, would the

gentleman allow that to move forward by unanimous consent? If the gentleman would answer with just a yes or no whether we would be able to move forward with this substitute, I would be delighted to work with the chairman.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I appreciate the gentlewoman yielding.

The membership has been preparing for the debate on this bill with the amendment made in order under the rule. The gentlewoman now wants to submit a new amendment. I do not think that is fair to the membership who have prepared debate on the bill; so the answer is no.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I think they would have followed the gentleman's lead, but I thank the gentleman very much.

Let me move forward with the amendment before us. This is my very point. I encourage my colleagues, both Republicans and Democrats, to look very carefully at the Jackson-Lee amendment, and I ask for their support.

This is the problem we have here today, and that is the continuity and the preservation of this historic and honorable institution, the Members of the United States Congress, really should be a bipartisan process. I am disappointed we are not, even in time of death and tragedy, terrorism, that we cannot find in our hearts and in our intellectual minds the ability to be collegial and to work in an very informed and thoughtful way.

This particular amendment is very succinct, and I ask my colleagues to give it considerable thought and vote for it. One, the amendment has the expansion of the ability of an aggrieved party to file suit for either declaratory or injunctive relief from just 2 days to 5 days. This is a question to answer the needs of the Secretaries of State and the States that when this crisis occurs, that all of them have the procedures in place to be able to fulfill our democratic calling.

This is not a constitutional amendment. I wish it were. But since we are doing this by statute, why not give the opportunity for there to be enough open view and transparency for this to occur?

Number 2 of this amendment is a provision for an expedited appeals process to the United States District Court for matters rising out of the special election process because a 45-day deadline for special State election already places significant constraints on the electoral process and on the citizens represented due to its brevity, taking away the right to an appeal to the U.S. District Court. This gives an expedited appeal.

In addition, this provides for an expansion of the right to sue for declaratory judgment beyond the Governor, but to citizens and classes of citizens.

Mr. Chairman, the gravity of the matter of reconstituting the House of Representatives in the face of catastrophe requires the fullest debate possible. However, due to the fact that a structured rule was reported out of Committee, this body is relegated to saving this severely flawed legislation by way of the only two amendments made in order last Tuesday—those of my colleague, the distinguished Ranking Member of the House Administration Committee and the Jackson-Lee Amendment. The Jackson-Lee Amendment has three essential components which propose to preserve the rights of the States, the voters, and of the spirit of democracy:

The first portion of this amendment, Jackson-Lee #1, reads as follows:

In section 26(b)(4)(B)(i) of the Revised Statutes of the United States, as proposed to be added by the bill, strike "2 days" and insert "5 days."

This change would amend the section of the bill that deals with the time in which a person(s) may file a lawsuit arising out of the Speaker of the House's announcement of vacancies in the House of Representatives in excess of 100. This change would amend paragraph (4), subparagraph (B)(i) and expand the ability of an aggrieved party to file suit for either declaratory or injunctive party to file suit for either declaratory or injunctive relief from just two (2) days to five (5) days.

Because not every State has a Capital Beltway or even a superhighway system, and because information travels at a different rate in every location, it is important that we establish a fair standard for a filing rule that affects every State in the country. The principle of procedural due process dictates that every citizen of each State have a realistic opportunity to obtain legal relief through our Judicial Branch.

The second portion of this proposal speaks even more to the issue of due process for all citizens. Its text reads as follows:

In section 26(b)(4)(B)(iii) of the Revised Statutes of the United States, as proposed to be added by the bill, insert after "the action" the following: "(taking into account an opportunity for an expedited appeal of the initial decision)".

Because the 45-day deadline for special State elections already places significant constraints on the electoral process and on the citizens represented due to its brevity, taking away the right to an appeal from the U.S. District Court would excessively curtail the procedural due process rights enjoyed by citizens. Given that the time in which a Federal judge has to compose an order disposing of these matters is provided in this bill, an equally expeditious appeals process should be provided so as to maintain consistency with the U.S. Constitution and the commitment to both the 5th and 14th Amendments.

Thirdly, the amendment reads as follows:

In section 26(b)(4)(B)(iv) of the Revised Statutes of the United States, as proposed to be added by the bill, insert after "vacant" the following: "any citizen of the district or any group of citizens of the State."

This proposal is very important to protect the interests of all citizens in the various congressional districts in the midst of party politics as well as the certification of classes in legal actions. As the bill is drafted, Section 2, paragraph (4), subparagraph (iv) would confer the right to sue in the event of a vacancy announcement by the Speaker of the House

solely to the "executive authority," in the case of Texas, the Governor. Such overly restrictive language almost certainly threatens to deprive the citizens of a right that they should enjoy in the event that the Governor chooses not to participate in a suit for declaratory or injunctive relief pursuant to a vacancy announcement made by the Speaker of the House. In order to protect the rights of every person who truly has an interest in a call for a special election under this Act, this provision must be amended to allow citizens and classes of citizens to sue for relief.

Mr. Chairman, I ask that my colleagues support the voters of each State, the framework of the U.S. Constitution, and the spirit of democracy by supporting the Jackson-Lee Amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I urge the committee to defeat this amendment, just as it did last year when the gentlewoman from Texas (Ms. JACKSON-LEE) brought it up. The issue is very simple. We want elections. Her amendment wants lawsuits. The way she has phrased her amendment for the lawsuits is that anybody can sue, not just the Governor, to determine whether or not a vacancy actually exists. And also, there is an appeals process in the gentlewoman's amendment that would allow the appeals to be dragged out indefinitely.

When there is a catastrophe that wipes out a significant number of Members of the House, it is in the interest of the public to fill those vacancies as quickly as possible through a fair election. We should not allow anybody to tie up an election call in the courts forever and ever and ever simply because their candidate might not be in a proper position to win the election.

So let us have the people decide when these vacancies will be filled and who will fill them. Let us not allow endless litigation at a time of national catastrophe. Elections can bring people together. They will result in new Representatives coming with mandates rather than having the frustration of lawsuits that go on interminably.

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, do I have the right to close?

The CHAIRMAN. The gentlewoman does not.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 45 seconds.

Mr. Chairman, this is about chaos and confusion. There is no definition of how the announcement will go out to the people beyond the beltway. A mere extending from 2 days to 5 days to make sure that Americans, even in crisis, have due process and democracy and justice is not too much to ask. I would indulge and beg my colleagues to realize all this does is simply allow for the people of America in crisis to be represented and to be responded to.

Mr. Chairman, I yield 30 seconds to the gentlewoman from California (Ms.

MILLENDER-MCDONALD), the ranking member of the Committee on House Administration.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise in strong support of the Jackson-Lee amendment. A portion of the gentlewoman's amendment seeks to provide an expedited appeals process to the United States District Court for matters arising out of the special election process. We have been talking about this 44, 45, 49-day deadline for special State elections, and it already places significant constraints on the electoral process and on the citizens represented due to its brevity.

Taking away the right of an appeal to United States District Court would excessively curtail the procedural due process rights enjoyed by citizens. I support the gentlewoman's amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the balance of my time, and thank the gentlewoman for her support.

Again, the idea of this amendment, in the judicial review aspect, one, there is no definitive information about how the information will be disseminated to our States and to citizens in a 2-day period if crisis is occurring, if a terrorist act has occurred. My amendment gives an additional 5 days to guarantee that that notice be given.

In addition, the other aspects of the legislation provides for an expedited time frame. It does not in any way cause a sufficient delay that would not allow us to restore this body to its ability to do business on behalf of the American people. Continuity, tragedy, all equal bipartisanship. I would ask my colleagues to look at this amendment and all it does provide, the enhanced due process. And I think we would not want the terrorists to believe that because of a terrorist act that we have lost our sense of judgment, the Constitution and due process.

After 9/11, we went to New York to show that we are not afraid of the terrorists. I believe we should show that we are not afraid of them by upholding the Constitution and due process on behalf of the American people. Vote for the Jackson-Lee amendment. I ask my colleagues to vote for this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the fatal flaw in this amendment is it does not extend the 49 days under which the election is required to be held under the provisions of this bill.

□ 1245

So the more time we spend in court, the less time the election officials have to be able to organize the election, print the ballots, mail the ballots to absentee voters at home and overseas and get them back in time to be counted.

We have heard an awful lot saying, well, the time frame is just too compact in order to run a fair election. What the gentlewoman's amendment does is that it makes it more compact because every day and every week that is spent tied up in the courts is going to be that much less time for the election machinery to operate.

This is a question very simply of lawsuits versus elections. If you want more lawsuits, vote yes. If you want a quicker and fairer election, vote no. I urge a "no" vote.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

The amendment in lieu of amendment No. 1 offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD) and amendment No. 2 offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MS. MILLENDER-MCDONALD

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment in lieu of amendment No. 1 offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 192, noes 229, not voting 12, as follows:

[Roll No. 49]

AYES—192

Abercrombie	Berman	Butterfield
Ackerman	Berry	Capps
Allen	Bishop (GA)	Capuano
Andrews	Bishop (NY)	Cardin
Baca	Blumenauer	Cardoza
Baird	Boren	Carnahan
Baldwin	Boswell	Case
Barrow	Boucher	Chandler
Bean	Boyd	Clay
Becerra	Brady (PA)	Cleaver
Berkley	Brown, Corrine	Clyburn

Conyers	Kanjorski	Rahall	Linder	Pearce	Shays	Cuellar	Kilpatrick (MI)	Rangel
Cooper	Kaptur	Rangel	LoBiondo	Pence	Sherwood	Cummings	Kind	Reyes
Costa	Kennedy (RI)	Reyes	Lucas	Peterson (PA)	Shimkus	Davis (AL)	Kucinich	Ross
Costello	Kildee	Ross	Lungren, Daniel	Petri	Shuster	Davis (CA)	Langevin	Roybal-Allard
Cramer	Kilpatrick (MI)	Roybal-Allard	E.	Pickering	Simmons	Davis (FL)	Lantos	Ruppersberger
Crowley	Kind	Ruppersberger	Mack	Pitts	Simpson	Davis (IL)	Larsen (WA)	Rush
Cummings	Kucinich	Rush	Manzullo	Platts	Smith (NJ)	DeFazio	Larson (CT)	Ryan (OH)
Davis (AL)	Langevin	Ryan (OH)	Marchant	Poe	Smith (TX)	DeGette	Lee	Sabo
Davis (CA)	Lantos	Sabo	McCaul (TX)	Pombo	Sodrel	Delahunt	Levin	Salazar
Davis (FL)	Larsen (WA)	Salazar	McCotter	Porter	Souder	DeLauro	Lipinski	Sánchez, Linda
Davis (IL)	Larson (CT)	Sánchez, Linda	McCrery	Portman	Stearns	Dicks	Lofgren, Zoe	T.
Davis (TN)	Lee	T.	McHenry	Price (GA)	Sullivan	Dingell	Lowe	Sanders
DeFazio	Levin	Sánchez, Loretta	McHugh	Pryce (OH)	Sweeney	Doggett	Lynch	Schakowsky
DeGette	Lipinski	Sanders	McKeon	Putnam	Tancred	Doyle	Maloney	Schiff
Delahunt	Lofgren, Zoe	Schakowsky	McMorris	Radanovich	Taylor (NC)	Edwards	Markey	Schwartz (PA)
DeLauro	Lowey	Schiff	Mica	Ramstad	Terry	Emanuel	Marshall	Scott (GA)
Dicks	Lynch	Schwartz (PA)	Michaud	Regula	Thomas	Engel	McCarthy	Scott (VA)
Dingell	Maloney	Scott (GA)	Miller (FL)	Rehberg	Thornberry	Etheridge	McCollum (MN)	Serrano
Doggett	Markey	Scott (VA)	Miller (MI)	Reichert	Tiahrt	Evans	McDermott	Sherman
Doyle	Marshall	Serrano	Miller, Gary	Renzi	Tiberi	Farr	McGovern	Skelton
Edwards	Matheson	Sherman	Moran (KS)	Reynolds	Turner	Fattah	McIntyre	Slaughter
Emanuel	McCarthy	Skelton	Murphy	Rogers (AL)	Upton	Finler	McKinney	Smith (WA)
Engel	McCollum (MN)	Slaughter	Musgrave	Rogers (KY)	Walden (OR)	Frank (MA)	Meehan	Snyder
Eshoo	McDermott	Smith (WA)	Myrick	Rogers (MI)	Walsh	Gonzalez	Meek (FL)	Solis
Etheridge	McGovern	Snyder	Neugebauer	Rohrabacher	Wamp	Gordon	Melancon	Spratt
Evans	McIntyre	Solis	Ney	Ros-Lehtinen	Weldon (FL)	Green, Al	Menendez	Stark
Farr	McKinney	Spratt	Northup	Royce	Weldon (PA)	Green, Gene	Michaud	Strickland
Fattah	McNulty	Stark	Norwood	Ryan (WI)	Weller	Grijalva	Millender	Stupak
Finler	Meehan	Strickland	Nunes	Ryun (KS)	Westmoreland	Gutierrez	McDonald	Tanner
Frank (MA)	Meek (FL)	Stupak	Nussle	Saxton	Whitfield	Hastings (FL)	Miller (NC)	Tauscher
Gonzalez	Melancon	Tanner	Osborne	Schwarz (MI)	Wicker	Hefley	Miller, George	Thompson (MS)
Gordon	Menendez	Thompson (MS)	Otter	Sensenbrenner	Wilson (NM)	Higgins	Mollohan	Thompson (MS)
Green, Al	Millender-	Tauscher	Oxley	Sessions	Wilson (SC)	Hinchey	Moore (WI)	Tierney
Green, Gene	McDonald	Taylor (MS)	Pascrell	Shadegg	Wolf	Hinojosa	Moran (VA)	Towns
Grijalva	Miller (NC)	Thompson (CA)	Paul	Shaw	Young (FL)	Holden	Murtha	Udall (CO)
Gutierrez	Miller, George	Thompson (MS)				Holt	Neal (MA)	Udall (NM)
Harman	Mollohan	Tierney				Honda	Obey	Van Hollen
Hastings (FL)	Moore (KS)	Towns	Brown (OH)	Harris	Meeks (NY)	Honda	Hoolley	Velázquez
Hefley	Moore (WI)	Udall (CO)	Carson	Inglis (SC)	Napolitano	Hoyer	Hoyer	Visclosky
Herseth	Moran (VA)	Udall (NM)	Cunningham	Leach	Rothman	Inslee	Inslee	Wasserman
Hinchey	Murtha	Van Hollen	Ford	Lewis (GA)	Young (AK)	Israel	Israel	Schultz
Hinojosa	Nadler	Velázquez				Jackson (IL)	Jackson (IL)	Waters
Holden	Neal (MA)	Visclosky				Jackson-Lee	Pallone	Watson
Holt	Oberstar	Wasserman				(TX)	Pascrell	Watt
Honda	Obey	Schultz				Jefferson	Pastor	Waxman
Hoolley	Olver	Waters				Johnson, E. B.	Payne	Weiner
Hoyer	Ortiz	Watson				Jones (OH)	Pelosi	Wexler
Inslee	Owens	Watt				Kanjorski	Peterson (MN)	Woolsey
Israel	Pallone	Waxman				Kaptur	Pomeroy	Wu
Jackson (IL)	Pastor	Weiner				Kennedy (RI)	Price (NC)	Wynn
Jackson-Lee	Payne	Wexler				Kildee	Rahall	
(TX)	Pelosi	Peterson (MN)						
Jefferson	Pomeroy	Woolsey						
Johnson, E. B.	Wu	Wynn						
Jones (OH)	Price (NC)							

Manzullo	Pitts	Simmons
Marchant	Platts	Simpson
Matheson	Poe	Smith (NJ)
McCaul (TX)	Pombo	Smith (TX)
McCotter	Porter	Sodrel
McCrery	Portman	Souder
McHenry	Price (GA)	Stearns
McHugh	Pryce (OH)	Sullivan
McKeon	Putnam	Sweeney
McMorris	Radanovich	Tancredo
McNulty	Ramstad	Taylor (MS)
Mica	Regula	Taylor (NC)
Miller (FL)	Rehberg	Terry
Miller (MI)	Reichert	Thomas
Miller, Gary	Renzi	Thompson (CA)
Moore (KS)	Reynolds	Thornberry
Moran (KS)	Rogers (AL)	Tiahrt
Murphy	Rogers (KY)	Tiberi
Musgrave	Rogers (MI)	Turner
Myrick	Rohrabacher	Upton
Neugebauer	Ros-Lehtinen	Walden (OR)
Ney	Royce	Walsh
Northup	Ryan (WI)	Wamp
Norwood	Ryun (KS)	Weldon (FL)
Nunes	Sanchez, Loretta	Weldon (PA)
Nussle	Saxton	Weller
Osborne	Schwarz (MI)	Westmoreland
Otter	Sensenbrenner	Whitfield
Oxley	Sessions	Wicker
Paul	Shadegg	Wilson (NM)
Pearce	Shaw	Wilson (SC)
Pence	Shays	Wolf
Peterson (PA)	Sherwood	Young (FL)
Petri	Shimkus	
Pickering	Shuster	

NOT VOTING—11

Brown (OH)	Harris	Napolitano
Carson	Leach	Rothman
Cunningham	Lewis (GA)	Young (AK)
Ford	Meeks (NY)	

□ 1325

So the amendment was rejected.

The result of the vote was announced as above recorded.

PREFERENTIAL MOTION OFFERED BY MR. BAIRD

Mr. BAIRD. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. BAIRD moves that the Committee do now rise and report the bill H.R. 841 back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. BAIRD) for 5 minutes in support of his motion.

Mr. BAIRD. Mr. Chairman, I rise to make two fundamental points before we proceed to vote on this. The two points are these: This resolution does not solve the real problem and it may create more problems than it purports to solve, and we have to understand that.

It does not solve the problem for this reason: By leaving us without a Congress for 45 days, we essentially impose the opportunity for the executive branch to exert marshal law, and that is not what the Framers of this country had in mind.

This bill, if we do not provide some mechanism for prompt replacement other than this bill, will leave this country governed by an unelected executive, a cabinet member most likely who not a single American elected to that office.

Furthermore, it has a host of problems. It does not address the possibility that one delegation will elect its Representatives more promptly than another. They will come to this body, choose one of its members as Speaker. That person could move on to become

the President. Then another delegation comes in, et cetera.

You are essentially leaving this country without a House of Representatives, without checks and balances, without separation of powers, for at least 45 days, assuming an election can be held in 45 days and assuming that the terrorists through an anthrax attack, like they subjected this very Capitol to, will not somehow undermine that ability.

This is reality. We have seen the reality here. We saw those airplanes hit the buildings, we saw the anthrax, and yet we are not truly acting to solve this.

Mr. Chairman, I yield to my distinguished friend, the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I am asking my fellow Republicans to please look at what we are about to do. This solution that we are being offered will not work and will leave the American people vulnerable at a time of maximum crisis.

This is one of the most important votes that we are going to have. What is going to happen in the future if we put this solution in place and there is a crisis? For 45 days after the death or incapacitation of these Members, we will have no government. We will basically be left to marshal law or anything else.

There is an alternative. The people who have written this bill basically have come up with a continuity of elections instead of a continuity of Congress, and they have good motives, but the fact is it will not work. It will create a huge crisis for America at the moment that it needs to have something laid down for them, something solid on which to rely upon at a time of crisis. So, please look at this.

There is an alternative. We did not have to do this by statute. We can do this by constitutional amendment. The gentleman from Washington (Mr. BAIRD) and I have a constitutional amendment which will do that.

So, again, let us not leave a void, which this bill does, for the future Americans who will face the crisis of a generation and leave them in the lurch.

Mr. BAIRD. Mr. Chairman, reclaiming my time, let me make two final points: One, the majority party must understand this: If you are at a Republican Conference retreat and terrorists should strike you and kill the President and Vice President and significant numbers of your side of the aisle, the Democrats under your proposed law will obtain the majority, will elect a Speaker of the House, and that person will then become the President of the United States of America. You are leaving this country vulnerable to that. You must not do it. You must not.

This matter must be taken seriously. It deserves full debate. Whether it is the proposal of the gentleman from California (Mr. ROHRABACHER) and mine or others, we should commit to

having this full House seriously consider this. If we do not and we are not fortunate, history will not look kindly upon the jeopardy in which we have left this great Nation.

Vote no on this bill and insist on true debate on true continuity of Congress in a responsible way that protects the balance of power, assures real succession to the presidency, and, most importantly, assures that your constituents will have representation at a time when our Nation may well go to nuclear war, institute a draft, appropriate trillions of dollars, suspend habeas corpus and impose marshal law. You do not want that. But if you stop at this bill, you leave this Nation vulnerable.

Mr. Chairman, if there is no one to speak in opposition, I ask unanimous consent to withdraw my preferential motion.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

□ 1330

The CHAIRMAN. There being no further amendment, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Accordingly, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 841) to require States to hold special elections to fill vacancies in the House of Representatives not later than 45 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes, pursuant to House Resolution 125, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CONYERS. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONYERS moves to recommit the bill H.R. 841 to the Committee on House Administration with instructions to report the same back to the House forthwith with the following amendment:

In section 26(b) of the Revised Statutes of the United States, as proposed to be added by the bill, insert after paragraph (5) the following new paragraph (and redesignate accordingly):

“(6) MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS IN POLLING PLACES USED IN SPECIAL ELECTIONS.—In carrying out special elections under this subsection, each State shall provide for the minimum required number of functioning and accurate voting systems and poll workers required in each precinct used on the day of the election, using a uniform and nondiscriminatory geographic distribution of such systems and workers based on a ratio of the number of systems and workers per voter, taking into account voter registration statistics for the precinct, the most recent available census data regarding the number of individuals residing within the precinct who are eligible to register to vote, and the level of voter turnout during previous elections held in the precinct.”.

Mr. CONYERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my motion to recommit would simply require that each State provide a minimum required number of functioning and accurate voting machines and poll workers for each precinct on the day of any special election. I do this and offer the amendment so that we can avoid the misallocation of voting machines and poll workers that occurred last year in the Ohio Presidential election that led to lines of sometimes 10 hours and disenfranchisement of tens of thousands of voters.

Consider the following: in Franklin County in that State, 27 of the 30 wards with the most machines per registered voter showed majorities for Bush while six of the seven wards with the fewest machines delivered the large margins for KERRY. They also found that election officials in Franklin County decided to make due with 2,868 machines even though their analysis showed that 5,000 machines were needed. In Columbus alone it is estimated that the misallocation of machines reduced the number of votes by up to 15,000 votes.

There is also an investigation that revealed the Franklin County election officials reduced the number of election voting machines assigned to downtown precincts and added them to sub-

urbs. They used a formula based not on the number of registered voters but on past turnout. In the Columbus area, the result was that suburban precincts that supported Mr. Bush tended to have more machines per registered voter than those in the inner-city precincts that supported Mr. KERRY.

The Election Protection Coalition testified that more than half the complaints about the long lines they received came from Columbus and Cleveland where a huge proportion of the State's Democratic voters lived.

This should never happen again in an election in our Nation. It is unconscionable to stack the deck so that Americans are forced to wait in the rain in line while others are given the red carpet treatment.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I appreciate the gentleman from Michigan (Mr. CONYERS) for allowing me a moment to speak on this issue.

This is very, very important. I would like to bring to your attention the fact that former Minority Leader Gephardt appointed me to chair a special committee on election reform of the Democratic Caucus. And I have traveled to at least four States talking to people about what had gone wrong in the elections in the 2000 elections.

One of the things that we concentrated on was provisional ballots. And we wrote into the Help America Vote Act that if you went to a polling place and they said your name was not there, that you are to be given a provisional ballot no matter where you went. Little did I know that something had happened in the Help America Vote Act, perhaps, that allowed Ken Blackwell in Ohio to have a different law from everybody else on provisional ballots. And so thousands of people went to polling places and were told they could not vote because they were in the wrong precinct. That is not what we wrote into the law. So we had thousands of ballots that were not counted in Ohio because Mr. Ken Blackwell described his law a lot differently than we had framed the law in the Help America Vote Act.

That is the one place perhaps in America with a law on provisional balloting that does not allow someone who swears that they are registered to vote to be able to vote.

I thank the gentleman for the opportunity to share this information at this important time.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of my time.

The motion to recommit would fix the problem raised by the gentlewoman from California (Ms. WATERS), at least for special elections under this bill.

I urge the support of the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentlewoman from Michigan (Mrs. MILLER) is recognized for 5 minutes.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

The language in the motion to recommit is very similar to the language in the Help America Vote Act legislation, HAVA, as it is commonly called, that legislation being H.R. 533. In fact, the gentleman from Michigan (Mr. CONYERS) is not the only Member who has proposed comprehensive election reform. A number of other bills have been introduced by Members on both sides of the aisle proposing amendments to the HAVA bill.

The Committee on House Administration has scheduled hearings on these issues, including in the State of Ohio I would say, and we will be considering all of these bills in due course.

Today is not the time nor is it the place to be debating election reform issues. We are here to provide for continuity and representation of this House and the American people. So let us focus on what needs to be done to provide for expedited special elections so that we can have a functioning House as soon as possible if there is a horrible, catastrophic attack.

Let us leave these other issues for a later day when they can be debated in the proper context.

Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. HASTERT), the Speaker of the House.

Mr. HASTERT. Mr. Speaker, our forefathers fought a revolution. They fought a revolution for freedom against a power that at that time was much greater than the sum of this Nation. They fought against private gentry.

George Mason said at the Constitutional Convention that “the people will be represented; they ought therefore to choose their representatives.”

This is a conceptual framework that has governed this body for more than 2 centuries. Today, even though times have changed, the spirit of Mason lives on. And with God's blessing we will never have to use this piece of legislation. But we have to seriously consider the issue of the continuity in Congress.

We have specifically designed authority to other Members of this body to call the House back into session should I not be here to do it. We have changed the rules of the House to allow it to function if Members are incapacitated.

Today we debate a bill that calls for the States to provide special elections if more than 100 Members are killed. And yes, even though we have provided for rules if Members are incapacitated, we have a constitutional responsibility to ensure the American people have full representation in this Congress.

Congress has always been for the people and by the people. And in keeping with the great traditions of our country, we need to keep it that way. Last Congress we overwhelmingly passed a very similar bill to the one we are debating today. It was improved by the

Congress with various amendments, many from the other side of the aisle, which the gentleman from Ohio (Mr. NEY) has incorporated into this bill. We heard a desire to make sure that this bill specifically allows for primaries; that language is incorporated in this bill. And my good friend, the gentleman from Missouri (Mr. SKELTON), wanted to make sure that the military ballots from overseas were counted. We have incorporated that suggestion into this bill.

I discussed with the Democratic leader the idea of increasing the number of days from 45 to 49, 7 weeks, to provide the 7 weeks for these special elections. I thought it was important to add a few more days. However, 60 days is too long a time for the framework of the national crisis because of our role under the War Powers Act.

The bill we had adopted last Congress with the support of 306 Members was a very good bill. The gentleman from Ohio (Mr. NEY) and the gentleman from Wisconsin (Mr. SENSENBRENNER) have even a better bill this year, and I expect the same overwhelming bipartisan support.

In closing, we face a significant threat. What makes America great is that we can come together during times of national tragedy. And my point is that after September 11, partisan bickering was on the back burner, and we were able to come together and do great things for the American people.

Terrorists hate everything we stand for, especially our democracy. Their whole object is to disrupt and destroy. In the event of the unthinkable, this bill strikes a blow to the heart of the terrorists and allows this body to reconstitute itself as quickly as possible, therefore carrying on the spirit of Mason and of this great Nation.

I urge the defeat of the motion to recommit. I urge the passage of this bill.

Mrs. MILLER of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for an electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 196, noes 223, not voting 15, as follows:

[Roll No. 51]

AYES—196

Abercrombie	Green, Al	Oberstar
Ackerman	Green, Gene	Obey
Allen	Grijalva	Olver
Andrews	Gutierrez	Ortiz
Baca	Harman	Owens
Baird	Hastings (FL)	Pallone
Baldwin	Herseth	Pascarell
Barrow	Higgins	Pastor
Bean	Hinche	Payne
Becerra	Hinojosa	Pelosi
Berkley	Holden	Peterson (MN)
Berman	Holt	Pomeroy
Berry	Honda	Price (NC)
Bishop (GA)	Hooley	Rahall
Bishop (NY)	Hoyer	Rangel
Blumenauer	Inslee	Reyes
Boren	Israel	Ross
Boswell	Jackson (IL)	Roybal-Allard
Boucher	Jackson-Lee	Ruppersberger
Boyd	(TX)	Rush
Brady (PA)	Jefferson	Ryan (OH)
Brown (OH)	Johnson, E. B.	Sabo
Brown, Corrine	Jones (OH)	Salazar
Butterfield	Kanjorski	Sánchez, Linda
Capps	Kaptur	T.
Capuano	Kennedy (RI)	Sanchez, Loretta
Cardin	Kildee	Sanders
Cardoza	Kilpatrick (MI)	Schakowsky
Carnahan	Kind	Schiff
Case	Kucinich	Schwartz (PA)
Chandler	Langevin	Scott (GA)
Clay	Lantos	Scott (VA)
Cleaver	Larsen (WA)	Serrano
Clyburn	Larson (CT)	Sherman
Conyers	Lee	Skelton
Cooper	Levin	Slaughter
Costa	Lipinski	Smith (WA)
Costello	Lofgren, Zoe	Snyder
Cramer	Lowe	Solis
Crowley	Lynch	Spratt
Cuellar	Maloney	Stark
Cummings	Markey	Strickland
Davis (AL)	Marshall	Stupak
Davis (CA)	Matheson	Tanner
Davis (FL)	McCarthy	Tauscher
Davis (IL)	McCollum (MN)	Taylor (MS)
Davis (TN)	McDermott	Thompson (CA)
DeFazio	McGovern	Thompson (MS)
DeGette	McIntyre	Tierney
DeLaunt	McKinney	Towns
DeLauro	McNulty	Udall (CO)
Dicks	Meehan	Udall (NM)
Dingell	Meek (FL)	Van Hollen
Doggett	Melancon	Velázquez
Doyle	Menendez	Visclosky
Edwards	Michaud	Wasserman
Emanuel	Millender-	Schultz
Engel	McDonald	Waters
Eshoo	Miller (NC)	Watson
Etheridge	Miller, George	Watt
Evans	Mollohan	Waxman
Farr	Moore (KS)	Weiner
Fattah	Moore (WI)	Wexler
Filner	Moran (VA)	Woolsey
Frank (MA)	Murtha	Wu
Gonzalez	Nadler	Wynn
Gordon	Neal (MA)	

NOES—223

Aderholt	Burgess	Drake
Akin	Burton (IN)	Dreier
Alexander	Buyer	Duncan
Bachus	Calvert	Ehlers
Baker	Camp	Emerson
Barrett (SC)	Cannon	English (PA)
Bartlett (MD)	Cantor	Everett
Barton (TX)	Capito	Feeney
Bass	Carter	Ferguson
Beauprez	Castle	Fitzpatrick (PA)
Biggert	Chabot	Flake
Bilirakis	Chocola	Foley
Bishop (UT)	Coble	Forbes
Blackburn	Cole (OK)	Fortenberry
Blunt	Conaway	Fossella
Boehlert	Cox	Fox
Boehner	Crenshaw	Franks (AZ)
Bonilla	Cubin	Frelinghuysen
Bonner	Culberson	Gallegly
Bono	Davis (KY)	Garrett (NJ)
Boozman	Davis, Jo Ann	Gerlach
Boustany	Davis, Tom	Gibbons
Bradley (NH)	Deal (GA)	Gilchrest
Brady (TX)	DeLay	Gillmor
Brown (SC)	Dent	Gingrey
Brown-Waite,	Diaz-Balart, L.	Gohmert
Ginny	Doolittle	Goode

Goodlatte	Mack	Reynolds
Granger	Manzullo	Rogers (AL)
Graves	Marchant	Rogers (KY)
Green (WI)	McCaul (TX)	Rogers (MI)
Gutknecht	McCotter	Rohrabacher
Hall	McCrery	Royce
Hart	McHenry	Ryan (WI)
Hastert	McHugh	Ryun (KS)
Hastings (WA)	McKeon	Saxton
Hayes	McMorris	Schwarz (MI)
Hayworth	Mica	Sensenbrenner
Hefley	Miller (FL)	Sessions
Hensarling	Miller (MI)	Shadegg
Herger	Miller, Gary	Shaw
Hobson	Moran (KS)	Shays
Hoekstra	Murphy	Sherwood
Hostettler	Musgrave	Shimkus
Hulshof	Myrick	Shuster
Hunter	Neugebauer	Simmons
Hyde	Ney	Simpson
Inglis (SC)	Northup	Smith (NJ)
Istook	Norwood	Smith (TX)
Jenkins	Nunes	Sodrel
Jindal	Nussle	Souder
Johnson (CT)	Osborne	Stearns
Johnson (IL)	Otter	Sullivan
Johnson, Sam	Oxley	Sweeney
Jones (NC)	Paul	Tancred
Keller	Pearce	Taylor (NC)
Kelly	Pence	Terry
Kennedy (MN)	Peterson (PA)	Thomas
King (IA)	Petri	Thornberry
King (NY)	Pickering	Tiahrt
Kirk	Pitts	Tiberi
Kline	Platts	Turner
Knollenberg	Poe	Upton
Kolbe	Pombo	Walden (OR)
Kuhl (NY)	Porter	Walsh
LaHood	Portman	Weldon (FL)
Latham	Price (GA)	Weldon (PA)
LaTourette	Pryce (OH)	Weller
Lewis (CA)	Putnam	Westmoreland
Lewis (KY)	Radanovich	Whitfield
Linder	Ramstad	Wicker
LoBiondo	Regula	Wilson (NM)
Lucas	Rehberg	Wilson (SC)
Lungren, Daniel	Reichert	Wolf
E.	Renzi	Young (FL)

NOT VOTING—15

Carson	Issa	Napolitano
Cunningham	Kingston	Ros-Lehtinen
Diaz-Balart, M.	Leach	Rothman
Ford	Lewis (GA)	Wamp
Harris	Meeks (NY)	Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore (Mr. SHIMKUS) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1404

Mr. PORTMAN changed his vote from “aye” to “no.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of H.R. 841.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The gentlewoman from California (Ms. MILLENDER-McDONALD).

Ms. MILLENDER-McDONALD. Mr. Speaker, on H.R. 841, I asked for a recorded vote. I was seeking recognition but the mike was not on.

□ 1400

Mr. Speaker, I stood when the board was being cleared on the last vote which was a motion to recommit. Now I am told that I cannot ask for a recorded vote on H.R. 841, and I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. SHIMKUS). The Chair regrets the gentlewoman's disappointment. After the voice vote on passage of the bill, the Chair surveyed the Chamber and saw no Member seeking recognition to request a recorded vote. So the question stood resolved by voice vote.

Ms. MILLENDER-McDONALD. Mr. Speaker, I beg to differ with the Chair. I was standing at the time. My mike was not on. I kept yelling to the Chair.

The SPEAKER pro tempore. The Chair surveyed the Chamber and saw no one seeking recognition to demand a recorded vote.

Mr. BAIRD. Mr. Speaker, I move to appeal the ruling of the Chair.

The SPEAKER pro tempore. The Chair has not made a ruling subject to appeal.

The Chair has merely explained that he saw no Member seeking recognition to request a record vote. A decision respecting discretionary recognition is not subject to appeal.

VACATING MOTION TO RECONSIDER ON H.R. 841, CONTINUITY IN REPRESENTATION ACT OF 2005

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent in the interest of civility that the vote on H.R. 841 be vacated and a rollcall be allowed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Without objection, the proceedings whereby the motion to reconsider was laid on the table and by which the bill was passed are vacated.

There was no objection.

CONTINUITY IN REPRESENTATION ACT OF 2005

The SPEAKER pro tempore. The Chair will put the question by voice vote de novo.

The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. MILLENDER-McDONALD. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 329, noes 68, not voting 37, as follows:

[Roll No. 52]

AYES—329

Ackerman	Engel	McCarthy
Aderholt	English (PA)	McCaul (TX)
Akin	Etheridge	McCotter
Alexander	Evans	McCrery
Allen	Fattah	McHenry
Baca	Ferguson	McHugh
Bachus	Fitzpatrick (PA)	McIntyre
Baker	Flake	McKeon
Barrett (SC)	Foley	McMorris
Barrow	Forbes	McNulty
Bartlett (MD)	Fortenberry	Meek (FL)
Barton (TX)	Fossella	Melancon
Bass	Fox	Michaud
Beauprez	Frank (MA)	Miller (FL)
Becerra	Franks (AZ)	Miller (MI)
Berkley	Frelinghuysen	Miller, Gary
Berman	Garrett (NJ)	Miller, George
Biggert	Gerlach	Moore (KS)
Bilirakis	Gibbons	Moore (WI)
Bishop (GA)	Gilchrest	Moran (KS)
Bishop (NY)	Gillmor	Murphy
Bishop (UT)	Gingrey	Murtha
Blackburn	Gohmert	Musgrave
Blumenauer	Goode	Myrick
Blunt	Goodlatte	Neal (MA)
Boehner	Granger	Neugebauer
Bonilla	Green (WI)	Ney
Bonner	Green, Al	Northup
Bono	Green, Gene	Norwood
Boozman	Gutknecht	Nunes
Boren	Hall	Nussle
Boswell	Harman	Ortiz
Boucher	Hart	Osborne
Boustany	Hastert	Otter
Boyd	Hastings (WA)	Oxley
Bradley (NH)	Hayes	Pascarell
Brady (PA)	Hayworth	Pastor
Brady (TX)	Hefley	Paul
Brown (OH)	Hensarling	Pearce
Brown (SC)	Herger	Pence
Brown, Corrine	Herse	Peterson (MN)
Burgess	Higgins	Peterson (PA)
Burton (IN)	Hinojosa	Petri
Butterfield	Hobson	Pickering
Buyer	Hoekstra	Pitts
Calvert	Holden	Platts
Camp	Hooley	Poe
Cannon	Hostettler	Pomeroy
Cantor	Hoyer	Porter
Capito	Hulshof	Portman
Capps	Hunter	Price (GA)
Capuano	Hyde	Price (NC)
Cardin	Inglis (SC)	Pryce (OH)
Cardoza	Israel	Putnam
Carnahan	Istook	Radanovich
Carter	Jenkins	Rahall
Case	Jindal	Ramstad
Castle	Johnson (CT)	Rangel
Chabot	Johnson (IL)	Regula
Chandler	Johnson, E. B.	Rehberg
Chocola	Johnson, Sam	Reichert
Clay	Kanjorski	Renzi
Cleaver	Kaptur	Reyes
Coble	Keller	Reynolds
Cole (OK)	Kelly	Rogers (AL)
Conaway	Kennedy (MN)	Rogers (KY)
Cooper	Kildee	Rogers (MI)
Costa	Kilpatrick (MI)	Ross
Costello	Kind	Roybal-Allard
Cox	King (IA)	Royce
Crenshaw	King (NY)	Ruppersberger
Crowley	Kirk	Ryan (WI)
Cubin	Kline	Ryun (KS)
Cuellar	Knollenberg	Sabo
Culberson	Kolbe	Salazar
Cummings	LaHood	Sanchez, Loretta
Davis (FL)	Lantos	Sanders
Davis (KY)	Latham	Saxton
Davis (TN)	Levin	Schiff
Davis, Jo Ann	Lewis (CA)	Schwartz (PA)
Davis, Tom	Lewis (GA)	Schwarz (MI)
DeFazio	Lewis (KY)	Sensenbrenner
DeGette	Linder	Serrano
DeLay	Lipinski	Sessions
Dent	LoBiondo	Shadeeg
Diaz-Balart, L.	Lofgren, Zoe	Shaw
Diaz-Balart, M.	Lowe	Shays
Dingell	Lucas	Sherman
Doggett	Lungren, Daniel	Sherwood
Doolittle	E.	Shimkus
Doyle	Mack	Shuster
Drake	Maloney	Simmons
Dreier	Manzullo	Simpson
Edwards	Marchant	Skelton
Ehlers	Marshall	Smith (NJ)
Emanuel	Matheson	Smith (TX)

Smith (WA)	Thornberry	Weiner
Snyder	Tiahrt	Weldon (FL)
Sodrel	Towns	Weller
Solis	Turner	Westmoreland
Souder	Udall (CO)	Wexler
Stearns	Udall (NM)	Whitfield
Stupak	Upton	Wicker
Sullivan	Velázquez	Wilson (NM)
Sweeney	Visclosky	Wilson (SC)
Tancred	Walden (OR)	Wolf
Tanner	Walsh	Wu
Taylor (NC)	Wasserman	Wynn
Thomas	Schultz	Young (FL)
Thompson (CA)	Watt	
Thompson (MS)	Waxman	

NOES—68

Abercrombie	Honda	Moran (VA)
Andrews	Inslee	Nadler
Baird	Jackson (IL)	Oberstar
Baldwin	Jackson-Lee	Olver
Bean	(TX)	Owens
Berry	Jefferson	Pallone
Clyburn	Jones (NC)	Payne
Conyers	Jones (OH)	Pelosi
Davis (AL)	Kennedy (RI)	Rohrabacher
Davis (CA)	Kucinich	Rush
Davis (IL)	Langevin	Ryan (OH)
DeLauro	Larsen (WA)	Sánchez, Linda
Dicks	Larson (CT)	T.
Duncan	Lee	Schakowsky
Eshoo	Lynch	Scott (VA)
Farr	Markey	Stark
Filner	McCollum (MN)	Strickland
Gonzalez	McGovern	Tauscher
Gordon	McKinney	Taylor (MS)
Grijalva	Menendez	Tierney
Gutierrez	Millender	Van Hollen
Hastings (FL)	McDonald	Watson
Hinchey	Miller (NC)	Woolsey
Holt	Mollohan	

NOT VOTING—37

Boehlert	Graves	Pombo
Brown-Waite,	Harris	Ros-Lehtinen
Ginny	Issa	Rothman
Carson	Kingston	Scott (GA)
Cramer	Kuhl (NY)	Slaughter
Cunningham	LaTourette	Spratt
Deal (GA)	Leach	Terry
Delahunt	McDermott	Tiberi
Emerson	Meehan	Wamp
Everett	Meeks (NY)	Waters
Feeney	Mica	Weldon (PA)
Ford	Napolitano	Young (AK)
Gallegly	Obey	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1441

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to require States to hold special elections to fill vacancies in the House of Representatives not later than 49 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes."

A motion to reconsider was laid on the table.

Stated for:

Mr. DEAL of Georgia. Mr. Speaker, I inadvertently missed rollcall vote 52 on the final passage of H.R. 841, "Continuity in Representation Act." Had I been present, I would have voted "aye."

Ms. EMERSON. Mr. Speaker, I regret that my vote was not recorded even though I was present for rollcall No. 52 on H.R. 841, the Continuity in Representation Act. Had I been able to vote, I would have voted "aye" and would like the RECORD to reflect this fact.

Mr. MICA. Mr. Speaker, I was unavoidably detained and was unable to vote on rollcall 52.

Had I been present, I would have voted "aye" on this measure.

Mr. KUHLMAN of New York. Mr. Speaker, on rollcall No. 52, on passage of H.R. 841—The Continuity in Representation Act—I was absent due to circumstances beyond my control. Had I been present I would have voted "aye."

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, as indicated by the RECORD, I was present voting this afternoon for all recorded votes except for H.R. 841, the Continuity in Representation Act. Unfortunately my card did not register when I cast my vote for that bill. If it had, it would have read that I voted in favor of H.R. 841.

Mr. WELDON of Pennsylvania. Mr. Speaker, on rollcall vote 52, for H.R. 841, I was not recorded to vote. Had I been recorded, I would have voted "aye."

PERSONAL EXPLANATION

Mr. ISSA. Mr. Speaker, today I missed four recorded votes. If I had been present for rollcall vote 49, I would have voted "no." If I had been present for rollcall vote 50, I would have voted "no." If I had been present for rollcall vote 51, I would have voted "no." If I had been present for rollcall vote 52, I would have voted "aye."

PERSONAL EXPLANATION

Mr. WAMP. Mr. speaker, due to a family commitment in Tennessee, I was not present for two votes today, Thursday, March 3, 2005. Had I been present, I would have voted "nay" on the Motion to Recommit H.R. 841—Continuity of Representation Act and "aye" on final passage of H.R. 841.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 25

Mr. LINDER. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky (Mr. DAVIS) be removed as a cosponsor of H.R. 25.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 3, THE TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of March 7 to grant a rule which could limit the amendment process for floor consideration of H.R. 3, the Transportation Equity Act: A Legacy for Users. The Committee on Transportation and Infrastructure ordered the bill reported on March 2 and is expected to file its report with the House on Monday, March 7.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the

Committee on Rules up at H-312 of the Capitol by 1 p.m. next Tuesday, March 8. Members should draft their amendments to the text of the bill as reported by the Committee on Transportation and Infrastructure which will be available for their review March 4 on the Web sites of both the Committee on Rules and the Committee on Transportation and Infrastructure.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, for the purpose of informing us of the schedule of the week to come, I yield to the gentleman from Texas (Mr. DELAY), the majority leader.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, the House will convene on Tuesday at 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of these bills will be sent to Members' offices by the end of the week. Any votes called on these measures will be rolled until 6:30 p.m.

On Wednesday and Thursday, the House will convene at 10 a.m. We will likely consider additional legislation under suspension of the rules, as well as the Transportation Equity Act: A Legacy for Users.

And, finally, I would like to note for all the Members that we are making a change to the schedule that was sent to offices at the beginning of the year. We do not plan to have votes next Friday, March 11.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information. Let me say that I am pleased, and I know our side is and I am sure the gentleman's side is as well and I know the Governors and county officials throughout the country are pleased, to see that the transportation bill is on the floor. This was a bill, as the majority leader knows, that expired, I think, September 30, 2003, and we have done extensions since that time.

It is scheduled for 2 days on the calendar, as I understand, and we just heard the announcement of the Committee on Rules chairman that there may be limitations to amendments in the bill. In light of the fact that I know there are still some substantial questions, this bill was reported out on voice vote unanimously but with one of the most contentious issues, as I understand it, left unresolved in terms of donor/donee States.

Can the majority leader amplify, perhaps, on what the Committee on Rules chairman said in terms of whether we

will have general debate on one day and amendments on the next, or does he think he will start considering amendments on the first day of consideration.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman's yielding to me. The gentleman is correct in that we really want this bill to move as quickly as possible, get it through the other body, because contract letting is seasonal, particularly in the northern States and that contract letting needs to be done. So we are working as hard as we can to get this bill done.

Since this bill is very similar to the reauthorization that was passed in the last Congress, I would expect that the Committee on Rules would develop a rule that was very similar to that one that was used when we considered this bill last Congress which, if I recall, there were 23 amendments allowed under the rule, a manager's amendment. So we have to see what the Committee on Rules is going to do and see how we can divide the work between Wednesday and Thursday.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his response. And I think the gentleman is correct. There were a substantial number of amendments. I would hope that those Members on either side of the aisle who have substantive amendments to offer, in light of the fact that we have been waiting on this bill for some time, would have ample opportunity on either side of the aisle, and I appreciate the leader's focus on that.

Mr. Speaker, lastly, if I can, can the majority leader tell us what his thoughts are in terms of scheduling, we have 2 weeks left before the Easter work period, with reference to either the supplemental appropriation and/or the budget?

Mr. DELAY. Mr. Speaker, I appreciate the gentleman's yielding to me.

It is our anticipation, or I have been notified by the respective committees, that we will be considering the supplemental from the President and the budget that both committees expect to hold markups on those two bills next week, which would prepare us and give us plenty of time to have both of those bills on the floor the week prior to the Easter recess.

Mr. HOYER. So, Mr. Speaker, it would be his expectation that we would consider both those bills before the break?

Mr. DELAY. The gentleman is correct.

Mr. HOYER. Mr. Speaker, I thank the majority leader for his answers.

□ 1445

ADJOURNMENT TO MONDAY, MARCH 7, 2005, AND HOUR OF MEETING ON TUESDAY, MARCH 8, 2005

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday, March 7, 2005; and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, March 8, 2005, for morning hour debate.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF ADDITIONAL MEMBERS TO JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore. Pursuant to 15 USC 1024(a), and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the Joint Economic Committee, in addition to Mr. SAXTON of New Jersey, appointed January 20, 2005:

Mr. RYAN of Wisconsin;
Mr. ENGLISH of Pennsylvania;
Mr. PAUL of Texas;
Mr. BRADY of Texas;
Mr. MCCOTTER of Michigan;
Mrs. MALONEY of New York;
Mr. HINCHEY of New York;
Ms. LORETTA SANCHEZ of California;
and
Mr. CUMMINGS of Maryland.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

INCAPACITATED PERSON'S LEGAL PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, soon I will be introducing legislation to give incapacitated individuals their explicit due process rights of habeas corpus when a court orders their death by removal of nutrition, hydration and medical treatment. The Incapacitated Person's Legal Protection Act gives incapacitated persons the same rights of due process available to death row inmates.

The Act will open up an avenue of legal relief currently not clearly available to disabled and incapacitated individuals who are unable to speak for themselves. These individuals can become the subject of a court order affecting their death, such as the case of Terri Schiavo. Terri is a Florida woman who, at age 27, suffered a heart attack and experienced brain damage due to lack of oxygen. While in the hospital, tubes were inserted in her digestive system to provide nutrition and hydration and continue to keep her alive.

Ten years after Terri's unfortunate condition occurred, her husband moved to have the feeding tubes removed intending to end her life. This occurred after Terri received nearly \$1.5 million in jury awards and legal settlements. Fortunately for Terri, her parents intervened against the desire of Terri's husband and have stayed her death through legal maneuvering until last week.

On Friday, February 25, Judge George Greer issued an order to remove the nutrition and hydration of Terri on Friday, March 18 at 1 p.m. This order will initiate the starvation death of Terri. To my knowledge, it is unprecedented in law.

All through the Schiavo trial, Terri's parents and husband have been afforded counsel, yet Terri has never been afforded independent counsel, in a matter that will result in her life or death. Terri has had no voice of her own in these legal proceedings, something so fundamental to every adult American, even convicted murderers.

The case of Terri Schiavo deserves a second look by an objective court. For example, despite the court's pronouncement that she is in a persistent vegetative state, evidence exists to the contrary.

Terri is not in a coma as I would define it, and I am a physician. She is not on a respirator or other 24-hour-a-day medical equipment. Terri is responsive to stimuli, such as voices, touch and the presence of people. She can move her head and establish eye contact. Terri can smile, demonstrate facial expressions and cry. She can arch her back and move away or towards voices and people. Terri makes sounds and attempts to vocalize as a way of communication.

As a physician who has cared for people in comas and who were considered in a persistent vegetative state, I have some experience in determining the de-

gree of incapacitation of disabled individuals, and it is a travesty to countenance the notion of putting her to death somehow because she is not able to speak.

Terri and similar incapacitated people should be afforded the same constitutional protection of due process as death row inmates whose lives hang in the balance in judicial proceedings. Because in cases like these, mistakes are not subject to correction, Terri and people similarly situated must have access to de novo review of their case and representation, just like any death row inmate gets.

The Incapacitated Person's Legal Protection Act, which I am going to introduce soon, explicitly recognizes in Federal law the due process protection of habeas corpus appeal for incapacitated individuals who are the subject of a court order to effect their death by removal of nutrition, hydration or medical treatment. It does not apply to circumstances where advanced medical directives are in effect. The Act simply provides a final avenue for review of the case to ensure that a incapacitated person's constitutional rights of due process are maintained and that justice is done.

Now, we know that lawyers are going to file habeas corpus claims about this case, and that is not a surprise and nothing prohibits them from doing so. The Incapacitated Person's Legal Protection Act is needed because the state of the law on this topic needs to be clarified.

These cases are typically reserved for criminal cases. In civil cases like Terri's, the decision to even consider a habeas appeal is at the court's discretion. The Constitution in the 14th Amendment, however, gives Congress the express authority to protect the life of any person by directing the judiciary with respect to the guarantee of due process and equal protection under the law. That is what the Incapacitated Person's Legal Protection Act does. It tells the courts that the due process and equal protection rights of incapacitated persons are explicitly authorized under Federal habeas corpus statutes.

DEMOCRACY IN THE MUSLIM WORLD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, the terrorists who attacked this country on September 11 emerged from part of the world where oppression of popular will often finds its outlet in Jihadi extremism and hatred of the West, especially the United States.

Throughout much of the Muslim world, brittle, autocratic regimes jealously guard wealth and political power, while the vast majority of the citizens languish in poverty. Despite the Arab

world's vast oil wealth and its rich cultural and intellectual history, the region has languished, in large part, because its leaders refused to enact the liberalizations necessary to unleash the power of hundreds of millions of people.

After the 9/11 attacks, the President and other senior administration officials vowed to "drain the swamp" that birthed al Qaeda and other radical Islamists. Now, after two wars, thousands of casualties and hundreds of billions of dollars, the people of the Arab and greater Muslim world are beginning to drain the swamp on their own.

Last fall, the people of Afghanistan, who only 3 years ago were suffering under the medieval yoke of the Taliban, voted in large numbers in that country's first presidential election, and later this year, they will return to the polls to select a new parliament.

In early January, the Palestinian people took concrete steps to end the Arafat era's corruption and embrace of terrorism and elected Mahmoud Abbas as their new president.

Later that month, in an inspiring acts of collective courage, millions of Iraqis defied a vicious insurgency to cast ballots for a new national assembly that will draft a constitution for a permanent Iraqi government.

In the past two weeks, we have seen the people of Lebanon respond to the savage car bombing that claimed the life of former prime minister Rafiq Hariri by peacefully calling for the restoration of Lebanese sovereignty. Lebanon's "cedar revolution" has already invited comparisons with Ukraine's "orange revolution" that swept Viktor Yushchenko into power last December.

Today, Saudi Arabians voted in the second of three regional rounds of municipal elections, the kingdom's first, and last Sunday President Mubarak of Egypt proposed a change to the Egyptian constitution that will provide for direct contested elections of president, and he urged its quick adoption so that this fall's election would be held under the new system.

Individually these developments vary in significance. The Saudi elections, for example, are open only to men, and the Egyptian reforms could end up being an effort to fend off rather than promote democracy. Collectively, however, these stirrings of democracy could be the long-awaited beginning of a seismic shift in the politics of the Muslim world. If so, our national security will be enhanced.

For too long, American foreign policy in the Middle East rested on a Faustian bargain with the ruling elites. Even as the Middle Eastern regimes presided over populations who detested them, successive American administrations provided material and political support. As long as the rulers guaranteed the continued flow of reasonably priced oil, we were willing to ignore the turmoil bubbling beneath them.

To some extent, this policy was fueled by American policy makers' be-

lief that Arab and Islamic societies were somehow incompatible with democracy. It was also the product of a genuine fear of what democracy in the Arab world would mean for American influence in the region. The Iranian revolution of 1979 was seen as a harbinger of what could happen throughout the region if American allied regimes loosened their grip.

After 9/11 and the explosive growth of Islamic radicalism throughout the Muslim world, we have come belatedly to the realization that the best antidote for terrorism is democracy. Much of the hatred towards the United States in the Arab world is a direct consequence of our support for despotic regimes.

The administration and Congress need to continue to push our friends in the region to do more to ensure that the tentative steps that we have seen do lead to a new birth of freedom in the Muslim world.

I am particularly concerned about Egypt and its 73 million people. Egypt is the intellectual, political and cultural heart of the Arab world. It is a long-standing American ally that has played a crucial role in the search for peace between Israel and its Arab neighbors. But even as President Mubarak and the Egyptian government have shown great leadership in the quest for peace, they have dragged their heels when it comes to the political and economic reform that is crucial if Egypt is to remain a regional leader.

Recently the Egyptian government arrested Ayman Nour, the leader of a small pro-democracy party in the Egyptian parliament. Nour's arrest is widely seen as politically motivated and precipitated a decision by Secretary Rice to cancel a planned trip to Cairo this week.

I have introduced a resolution calling on Egypt to release Nour and embrace the reforms just announced by President Mubarak. As an important ally, we must not stand idly by and watch Egypt take steps that threaten not only democracy, but our own security.

Throughout the 20th Century, America fought to expand the reach of liberty and democracy, first against Nazism and fascism, and then against Soviet communism. Now with the dawn of the 21st Century, we are again faced with both the fundamental challenge to our core values and the opportunity to bring those values to millions of people. Mr. Speaker, we can and must both meet the challenge and seize the opportunity.

THREAT TO UNITED STATES STILL VERY REAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FOSSELLA) is recognized for 5 minutes.

Mr. FOSSELLA. Mr. Speaker, the threat to the United States is still very real. Just yesterday it became public that one of the terrorists responsible

for the Madrid train bombings had sketches of New York City's Grand Central Station on his computer.

□ 1500

A few days ago it was reported that Osama bin Laden was caught urging some of his associates to take the threat to the United States once again. Clearly the threat to our country is real, and it is essential that we have a comprehensive strategy for distributing our homeland security grant funding to confront it.

That is why today I am introducing the Responsible Funding For First Responders Act of 2005. The bill reforms the current formula used to distribute homeland security grant money.

Yesterday, our newly confirmed Homeland Security Secretary said, "I think we owe the American people a more focused and priorities driven" funding formula. This bill aims to achieve just that.

Over the past few years, we have gone a long way in fighting terrorism. Last year, Congress passed a meaningful intelligence reform which implements many of the 9/11 Commission's recommendations. However there was one recommendation that we did not address adequately.

The 9/11 Commission explicitly stated "homeland security assistance should be based strictly on assessment of risks and vulnerabilities." This bill would put that recommendation, which I think is common sense to most Americans, into effect.

In introducing the bill, I wish to start the debate anew and begin working towards a meaningful first responders funding reform. Since September 11 homeland security funds have been distributed under a formula that requires a minimum of .75 percent to go to each State, and then the remainder is distributed on what we call a per capita basis.

The block grant formula, where most of the funding has originated, does not consider threat at all. This means that almost 40 percent of the money is distributed equally to each State as a result of that minimum, about \$1.5 billion. Congress needs to do better.

This year the President's budget once again distributes all the funds based on threat. His fiscal year 2006 budget request which distributes a little over \$1 billion in State homeland security grants is based upon risks, threats, vulnerabilities, and unmet essential capabilities.

Let me say what this bill is not. This bill is not designed to pit one area of the country against another. It is designed, I think again speaking to the common sense and conventional wisdom of the American people, to identify where the vulnerabilities are, identify where the threats exist, identify where the risks are and send the money to those areas accordingly.

Why New York City in particular, for example, I think is still a target, let us look what happened after the first

bombing of the World Trade Center that took place in 1993.

In between the bombing in 1993 and the tragic day of September 11, there was a conspiracy to destroy the Holland and the Lincoln tunnels, the George Washington Bridge, the United Nations and the Main Federal Building in Lower Manhattan, as well as a plot to bomb the subway system. The plot was foiled at the last minute by New York City police officers who broke down the door of two individuals who were putting finishing touches on the device.

Since then major media outlets in New York City were the subject of anthrax attacks. In February of 2003 a seasoned al Qaeda operative named Iyman Faris was in New York City on a mission to destroy the Brooklyn Bridge. Faris fought alongside bin Laden, engaged in a battle which included the wholesale slaughter of Russian prisoners and helped supply al Qaeda fighters more recently with sleeping bags, airline tickets, cash and cell phones.

Nearly 2 years after the destruction of the Trade Center, Faris was in New York City conducting surveillance on the Brooklyn Bridge. Faris reported back to his handlers that "the weather is too hot," meaning that security was too tight for the plot to succeed. He was deterred this time.

New York City nevertheless remains a prime al Qaeda target.

Most recently, just before the 2004 Republican National Convention in New York City, two suspected terrorists were arrested for yet another plot to destroy the subway system, this time near Herald Square in midtown Manhattan.

I think it is in our national interest to move this process forward to a point that just makes sense. It is one thing for Congress to come together and compromise how much of the funding is distributed among the States and towns and villages and cities across the country, for example, agricultural funding or funding for our national security; but when it comes to the lives of the American people and the millions of people who come to our shores annually, it is responsible and above all it is not a Democrat or Republican issue. It is just common sense to send the money where it is needed the most. That is what this bill seeks to do.

TALE OF TWO YOUNG MEN

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I rise today to speak about two young men. They both grew up in Houston, Texas. They both grew up without any family support. They both were basically raised by others. They were both named Michael. And they both chose careers in the criminal justice system.

Michael Lopez chose in the criminal justice system the career of crime. He started committing violent crimes at the age of 11. He spent a lot of time in and out of the criminal justice system. He was a gang member, a drug abuser, committed numerous robberies against other juveniles, a burglar, and a thug in his own community.

Michael Eakin also chose criminal justice as a career, but he chose it as a police officer. Their paths crossed on a quiet peaceful night in Houston, Texas, after Officer Eakin stopped Lopez and his fellow gang members who were cruising Houston, Texas, looking for criminal opportunities.

When Officer Eakin stopped the vehicle, Lopez jumped from the vehicle, took off running and Officer Eakin made the decision to chase Michael Lopez. After capturing Lopez, Lopez pulled out a pistol, pointed it at point blank range and shot Officer Eakin, and then he fled in the darkness of the night.

Lopez was 17 and on probation for criminal offenses. Eakin was 24 and a rookie police officer. Lopez was charged with capital murder of a police officer. In Texas, a 17-year-old is an adult by State law for criminal law purposes and not a juvenile.

It is a long-established rule of law that the States determine the age of accountability for criminal law purposes. Not the Federal Government, not the Federal courts.

I was the judge in the Lopez case, having been a judge for 22 years in criminal cases. A jury heard the case in my court. A jury found the defendant Michael Lopez guilty of capital murder of a police officer. Court TV even showed this on national television. The same jury unanimously found the defendant would be a continuing threat to society in the future. The jury unanimously found there was no mitigation that would warrant a sentence less than death with Michael Lopez.

The defendant was assessed the death penalty by a jury in 6 hours. During sentencing I referred to the defendant as a street terrorist based upon the evidence in the case. On appeal, the highest court in Texas referred to the defendant as a mean little guy and upheld the death penalty.

Now the Supreme Court has gotten involved in these types of cases and declared once and for all that no one 17 or under can be executed for the crimes that they commit. Citing international court decisions and the so-called evolving United States Constitution, the Court yesterday struck down these types of cases five to four.

The Supreme Court of the United States should not look to foreign courts for guidance but to the United States Constitution because that is what they are sworn to uphold. The Supreme Court once again has discriminated against victims based upon the age of the defendant. Whether or not a person agrees or disagrees with the death penalty, whether or not a person

feels the age of accountability should be 17 or 18 or 21, there is no precedent in law that the Supreme Court may arbitrarily say a 17-year-old is a mere child and an 18-year-old is an adult.

The Supreme Court has once again promoted the philosophy that America is becoming the land of excusable conduct in our criminal courts. There should be consequences for criminal conduct even for 17-year-olds.

The Supreme Court has replaced the law of the land with its own personal opinion and European thought. This is an affront to the rule of law, to the Constitution, to the 10th amendment. It is an affront to the peace officers in the United States, and it is an affront to Officer Michael Eakin and his family.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

(Mr. ENGEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. LEE) is recognized for 5 minutes.

(Ms. LEE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

GREEN RIVER KILLER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Washington (Mr. REICHERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. REICHERT. Mr. Speaker, I am a new Member of this body, and I am proud and humble to serve the 8th District of the State of Washington. I am also honored and privileged today to address this body.

My first address is on a very serious note, but I think it is a necessary one for us to talk about because it affects and impacts the young women and children in our community. It is the future of our country.

For 33 years I had the privilege of serving in law enforcement in King County which is the Seattle area of Washington State. And I served in a number of different capacities, but in one of those capacities I served as the lead investigator in the most notorious serial killer case in this Nation's history.

Mr. Speaker, we had a monster who was stalking our young women and children in our community. These were young women and children who were lost; children who were afraid; who in some cases were driven from their homes by domestic violence, drug abuse, alcohol abuse, emotional and physical abuse. Some, though, were lured away from their homes by people who preyed on their weakness and their vulnerability. They were lured into an environment of street life where drugs and alcohol are rampant, where prostitution is rampant; and they were told they were going to live the life of luxury, fast money, fast cars, and freedom. Instead, their lives ended. They just ended. The promises for a better life by these predators were all lies.

Our community was gripped by fear by this monster who literally grabbed our children by the throat and snuffed out their lives, their hopes, and their dreams. This monster struck at the very hearts of our communities: our children. And my purpose today is to stand before you, Mr. Speaker, to tell this story, to honor the victims so that we never forget the victims, to remind us of all the families who are still suffering the losses of their loved ones who have been sentenced to a life sentence without their loved ones.

Lastly, it is to recognize, Mr. Speaker, and officially thank those who worked so hard and so long to solve this case. The nearly 90 detectives in the King County Sheriffs Office which is the lead agency that worked this case for nearly 20 years, the Seattle Police Department, the Kent Police Department, the Washington State Patrol and the State Patrol Lab; the medical examiner's office, the FBI, scientists, civilian staff, volunteers, explorers, search and rescue, prosecutor's office in King County led by Norm Maleng, and the defense team.

I would be remiss, Mr. Speaker, if I did not mention that just last week, as most everyone is aware, the so-called BTK killer was arrested in Wichita, Kansas. I think this House should also recognize and congratulate the community and the law enforcement/criminal justice system in Wichita for bringing that case to a close and bringing some answers to questions that the families of these victims have been asking for over 25 years.

These monsters are in our communities, and I want to tell the story briefly. Sometimes it takes me almost 3 hours to go through this, but I have only an hour, so you will get a brief overview of this case. Let me just tell you about the numbers.

□ 1515

Now, I was 31 years old when I started this case back in 1982 with the first victim. But 48 guilty pleas, 44 recovered victims; four of the victims are unidentified, four are still missing. This case was open for 7,500 days. Over 90-plus King County detectives worked on this case. 15,500 photographs were taken. Over 1,500 cassette tapes, over 10,000 items of evidence were collected. Over half a million pieces of paper were put together.

Twenty to 30 people worked full-time once the arrest was made in our office for about 6 months to complete the document imaging process that cost us nearly \$1.2 million. There were 40,000 suspect tips, almost 13,000, actually 40,000 tip sheets on a variety of different leads, but almost 13,000 tips on different people as suspects.

Imagine working one murder case, having 10 suspects and trying to figure out who out of that 10 is that one person who committed the murder. We have 50 murders and nearly 13,000 suspects. And they ranged from attorneys to police officers to people who worked for the post office and truck drivers and iron workers and every walk of life that you could think of.

King County Sheriff's Office spent \$2.8 million in 2002 on this case. The prosecutor's office spent a million and a half. The defense spent \$2.5 million. There were 12 prosecutors that worked on this case, a combined team. There were almost 20 King County sheriffs deputies and detectives and civilians who worked on that case. After the arrest was made, the defense team had about 16 team members to their effort. And all of this for one monster, one defendant, one person who pled guilty to 48 lives. And it is, in my opinion, he has killed nearly 75, probably more than that.

King County, if you do not know, is in the State of Washington right on Puget Sound. The city of Seattle is the county seat. Green River runs south of Seattle through the countryside and toward the foot hills of the Cascade Mountains.

This case started on July 15, 1982, when the first body, Wendy Coffield, was found floating in the river south of

Seattle with a ligature around her neck, a 15-year-old girl from our community.

On August 12, 1982, I was called to the river for the second body, for the first body was in the sheriff's jurisdiction. Debra Bonner was found floating in the river, and she had been strangled.

Three days later, I was called back to the river once again. A rafter had been floating down the river. He looked on the shore line and thought he had found two mannequins. And as he floated down the river, he got closer and discovered that these mannequins, these images, were not mannequins but human bodies.

And as he looked up on the river bank there was a man standing there and there was a pickup truck parked at a turn-out. And the man on the river bank waved at the man on the raft. And they exchanged pleasantries. The man on the river bank walked up the bank, drove away in his truck as the man on the raft waved goodbye.

The man on the raft then called the Police Department. I showed up, and as I was processing the scene, I found a third body on the river bank that we did not know about, that the rafter had not seen.

That man on the river bank was the man that we eventually arrested. And I am not going to say his name today, because I do not want to honor him by having his name mentioned in this very historical place and place of honor.

The evidence we collected off of Wendy Coffield and some of these early victims was very important. This evidence was collected in 1982. It came together in 1987. In 1987 we finally got enough evidence together where we were able to search the home of the person that we finally arrested. A lot of things, pieces of the puzzle started to come together. We collected hundreds of lists. We collected lists of people who were arrested for patronizing prostitutes. We arrested people, or we actually gathered lists of people who were arrested for assaulting women during that period of time. We collected lists of people who were known to fish in the Green River, who had fishing licenses. We collected lists of people who worked in the area, who lived in the area, who were stopped by the police in that area. So we collected list after list after list.

And back in those days we had no computers. You think about 1982 when I started this case, we had no computers. There was no such thing as DNA. There was no automated fingerprint identification system, which is an automated system that compares fingerprints today. Most people are aware of that. In fact, in 1982 I was managing this case on 3 by 5 note cards on a Rolodex file. And a lot of times when I mention the Rolodex file, especially in junior high or high school classes, a hand usually goes up and the question is asked, Sheriff, what is a Rolodex file? That is how far technology has come.

This case was one of hard work, dedication, commitment, and let me tell you, just pure frustration. The detectives, investigators, scientists, and the community involved in helping to solve this case never gave up. They were dedicated to solving this case, to finding the person responsible for this case.

There were so many great suspects in this case. We followed one suspect for nearly 3 or 4 months. We discovered that as we looked at each one of these suspects that fit the profile that the FBI had provided to us to a certain degree were so interesting and were such good suspects that they would use and could use our resources for weeks or months at a time.

In 1982, after we found the three bodies on Sunday, on that following Monday, August 16, we formed the first task force of 25 detectives within the sheriff's office. We thought we had six victims and we worked through 1982. And by the fall of 1982 the administration already started to talk about cutting back and reducing our effort because they felt we had identified the suspect.

By the end of 1982, when we thought we had six victims, we actually had 16 young women killed. We did not even know about the other 10 yet.

In 1983 we spent most of our time collecting bodies, sad to say. Reports of found skeletal remains were coming in continuously. And so we fell behind in following up our tips. And finally, by the end of 1983, a new sheriff was appointed and he decided, you know what, it is time to do something. It is time to investigate this case properly.

He brought a task force together in January of 1984. It was called the enhanced task force. Because by the end of 1983 we thought we had 13 victims, when in reality we had 27 women killed. So we put together a task force made up of the FBI and some of the agencies that I had listed earlier, to nearly come to a number of 80 investigators and personnel who were working on this case together almost 24 hours a day, 7 days a week for years.

And as this case went on, we discovered more bodies. We discovered a body of a young woman who was 9 months pregnant who met this killer on the streets. And here, stop and think about this for a minute. Some people ask why in the world was this case so hard to solve?

Let me just give you some of the reasons. Men who are preying on young women and young girls on the streets for prostitution have picked the most vulnerable victims in our community, in our society.

The only thing they have to do is to drive up on a street corner, roll down the window, open the door and make a deal for sex, and it only lasts a matter of seconds. And the victim is in the car. There is no struggle. There is no screaming. There is nothing that calls attention to the exchange that just took place.

And this young girl gets in that car and drives away into the night, never to be seen again. And in some cases, the victim's body was not found for months and, in one case, 6 years later, the body is finally found.

And so when you find the victim, you identify the victim. And then now as an investigator, as the team continues to move forward and investigate this case, they have to go backwards in time to figure out where this victim was last seen.

And if you are lucky enough to figure out that this was the street corner that this person disappeared from, then you have to determine who the witnesses were, who was there to watch this happen, to watch her drive off into the night; who might have a description of the suspect vehicle or the suspect.

And when you get back to that street corner, you discover that your witnesses are street people, homeless people who are just trying to take care of themselves, who are paying attention to their own lives, who in some cases were drug addicts and alcoholics themselves.

The victims that we needed to identify and learn a lot about in most cases had more than one name, five, six, seven, eight, nine, 10 different names. Sometimes we really did not know which was their true name until months later. They had different birth dates, different addresses, different vehicles and license plates associated with them. They changed their appearance.

The witnesses, if we were lucky again to find those witnesses, all fell into that same category. It would take us months, sometimes years, to track down a person that we knew as a certain name and discover a year later or 2 years later they were actually another person, and they had ID belonging to someone else, and they had a totally different appearance.

So again, I want to stress how patient and how diligent and how persistent the investigators were in this case. And as we moved forward through 1984, still in a mode, really, of collecting human remains, and we were working also on the leads, still falling behind with every discovery of a new body, but hoping that each time we found a new human being, a human remain, hoping that that would be the case that would supply us with the evidence that we needed to solve this case, to break this case open.

Now, I want to mention too that we were quite organized during those days. And I think too, Mr. Speaker, like the BTK case, I heard the chief of police of Wichita say the other day that sometimes the news media was quite critical of the efforts and questioned the capability, ability, and talents of the law enforcement agencies in that region.

We were no different. We were questioned and criticized and ridiculed, and in some cases to the detriment of the investigation. In fact, there is one po-

litical cartoon that calls the Green River task force the Green River task farce.

And what happened when that kind of media attention and that criticism would be directed at us, it did not instill a lot of confidence in the community in our ability, when what we wanted was the people in the community to cooperate with us and have confidence that if they called us, their leads would be followed up and they would be followed up.

But they almost got to the point where they were hearing that so much that they said, why call? They are never going to catch the guy. They do not know what they are doing. And they may have had that one little bit of information.

Just to give you a little tip too on some information on how devious this killer was, in one case, he killed a young girl, another teenager, left her body near Sea-Tac Airport.

□ 1530

He came back later. He removed her skull and transported her body part to Portland, Oregon. This is a man who had no respect for human life whatsoever. It also points out the complications of this case when you have a person with that kind of a mind trying to play tricks on the community and the police department, interrupting their abilities and throwing them off in their attempts to solve this case.

Now, the case went on from 1982 through 1983, 1984, 1985, 1986, 1987, 1988, 1989 and 1990 and, finally, the task force is down to one person and we are waiting for that one piece of evidence; the evidence we collected in 1982 from a ligature of one of the victims floating in the river, some paint spheres; the evidence we collected from the three bodies that I talked about near the river bank and the one on the river bank, the DNA.

Actually, back then, it was bodily fluids. We had no concept of what DNA was. It was never talked about. It had not even been discovered yet as a possible tool in this sort of investigation until the late 1980s.

In 1987, we searched the home of the man we finally killed. And during that search we collected everything we could in that home, in the yard, and we asked him to chew on a piece of gauze. We took that gauze and we put it in a test tube. And when DNA science finally evolved to the point where we felt it was safe enough to test the samples that we had collected over the years, we submitted the gauze, we submitted the DNA samples from the victims that I described, and we submitted other DNA samples of five top suspects. We submitted those samples and we came back with a match, a DNA hit from evidence that was taken in 1987 compared to evidence that was collected by the investigators and saved; frozen, preserved and stored.

We had over 10,000 items of evidence, and all of that evidence has been accounted for over these many years.

That evidence came together and identified a suspect and we arrested this man on November 30, 2001. We had him on four counts.

When we arrested him, we drove up to his place of work, where he worked for 31 years. He was married for over 13 years to the same woman. He was a member of the community. People were shocked, surprised, and amazed that he was identified as the person responsible for around 50 deaths. We arrested him. We drove up to him and we said, you are under arrest for the murder of four women connected with the Green River cases, and he shrugged his shoulders and he said, okay. He got into the police car and we took him to jail. He was not upset. It was not a big deal.

I share this with you to share a little of his personality. He is a psychopath, a pathological liar, and has no remorse whatsoever about the lives that he took. The women he killed, he killed because he could, and that is what his answer was to that question. When we arrested him, we spent 6 months interrogating him to try to pull out every piece of evidence and all information that we could.

There were three other cases we were able to charge him with, and that evidence came from microscopic paint spheres. Those paint spheres were collected in 1982. Let me give one example.

I mentioned first the body that took 6 years to find. In September of 1982, a young woman was missing. We found her body 6 years later. And as we were processing that scene, we found a piece of cloth at that site where she was buried. It was decomposing, and it decomposed to the point where if you were to try and lift it with your fingers, it would crumble between your fingertips and onto the ground. We collected that, put it together, and we saved it.

In 2002, when the science again was to the point where they could find those microscopic spheres and compare them to the paint at a trucking company where this suspect worked as a truck painter for 31 years, we were able to take that paint from that decomposing piece of cloth and the paint spheres from a ligature that was on a victim who was floating in the river. One might assume that the evidence on the victim had been washed away, but it still had microscopic paint spheres. We were able to collect those, have them examined by the scientists.

Those microscopic paint spheres in 1987 were also discovered in his locker. So we have a connection between three victims who had microscopic paint spheres attached to them, and we also had microscopic paint spheres that were found in his locker at work, which connected him back.

Once we had seven cases on him, his attorneys quickly came to us and said we want to talk to you. We were hoping for that, and I will tell you why. Most people might say this man, if anyone, and I would agree with this, if

anyone deserved the death penalty, this man deserved the death penalty. But one of the things that had happened over the years as we worked with the families is we had become friends with the family members. We were their link to their loved ones.

They had questions: Where is my daughter? Is she alive? People were still hoping their daughter could be found. If my daughter is dead, who killed her and why? And, Mr. Speaker, I would say that every one of us in this room today would say I want to know. I would want to know. I would want someone to talk to the guy and find out; find out why and where my daughter is buried. So we did.

We had choices of going forward with seven cases and following that through the court system. We had seven strong cases. But what if he was found not guilty? Stranger things have happened. What if he was found guilty and we went to the penalty phase and the jury decided to give him life in prison without parole. We only had seven cases solved.

We decided to take a chance and interview this monster, and we spent 6 months, as I said before, 6 months interviewing him and pulling out every piece of information and fact that we could about every one of these cases. The last day that I talked to him was on December 31, 2003, before he was sent to prison. I spoke to him for about an hour, and I will never forget what he said to me, the last thing he said. He said, I have killed 71 and you are too stupid to find the others. And it is my belief, as I said earlier, he has probably killed near 80.

So now you have an idea of the difficulty of this case. I have really only scratched the surface of how tough this case was. But the importance of bringing this case to the floor today, Mr. Speaker, is that we must never forget the victims. We must never forget the families whose pain still is being endured today, and we must always be able to say thank you to the men and women in law enforcement, the criminal justice system, and those who are in the forensic science field coming up with new and innovative ways every day to help law enforcement solve these cases, cases like the BTK case.

And then, as a reminder, we need to stop and think about why these young ladies are on the street? I mentioned earlier some of the reasons, but what can we do about it? Are we willing to do anything about it? Yes, there are people out there working with young people on the street, working with young people who are on drugs and alcohol, and we are trying to make a difference there, but it has to start earlier.

One of the places that does that in Seattle, just south of Seattle in a small town called Kent, where I grew up, is a place called the Pediatric Intensive Care Center. This facility takes in babies who have been born to drug-addicted mothers, some of these mothers

who have been on the street. These babies are placed into homes where they have a chance to live a life, a real life, the life that I talked about earlier: A life of hope, a life with dreams for those little girls who have dreams.

And you know what, it is our duty, Mr. Speaker, every one of us in this Nation, to protect those dreams, to make sure that the hopes and dreams of our children are not stolen away by something we might do at home and not stolen away by someone who lures them out of our homes with the promise of a better life somewhere else. It is our responsibility to step up and act.

People talk about human trafficking, and it is an international problem. Human trafficking is a problem right here in this country. It happens on our Nation's streets every day. I hope to join with my colleagues here in Congress to begin to make a difference in the lives of our children so that we can protect them and they can enjoy a life of freedom and safety.

I want to end, Mr. Speaker, by reading a list of each of the victims whose lives were taken by this monster in the northwest:

Marcia Fay Chapman; Cynthia Jean Hinds; and Opal Charmaine Mills. She's the one I found on the river bank.

Carol Ann Christensen, Wendy Lee Coffield, Gisele Ann Lovvorn, Debra Lynn Bonner, Marcia Fay Chapman, Cynthia Jean Hinds, Opal Charmaine Mills, Terry Rene Milligan, and Mary Bridget Meehan. She was the one 9 months pregnant.

Debra Lorraine Estes, Linda Jane Rule, Denise Darcel Bush, Shawnda Leea Summers, Shirley Marie Sherrill, Colleen Renee Brockman, Alma Ann Smith, Dolores Williams, Gail Lynn Mathews, Andrea Childers, Sandra Kay Gabbert, Kimi-Kai Pitsor, Marie Malvar, Carol Christensen, Martina Authorlee, Cheryl Wims, Yvonne Antosh, Carrie Rois, Constance Elizabeth Naon, Kelly Marie Ware, Tina Thompson, April Buttram, Debbie Abernathy, Tracy Winston, Maureen Sue Feeney, Mary Sue Bello, Pammy Avent, Delise Plager, Kimberly Nelson, Lisa Yates, Mary West, Cindy Smith, Patricia Barczak, Roberta Hayes, Marta Reeves, Patricia Yellow Robe.

And then there are four others who have not been identified: Unidentified victim number ten, unidentified victim number sixteen, unidentified victim number seventeen, and unidentified victim number twenty.

□ 1545

APPOINTMENT OF MEMBERS TO HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Pursuant to 2 U.S.C. 88b-3, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the House of Representatives Page Board:

Mr. SHIMKUS, Illinois,
Mrs. CAPITO, West Virginia.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORD (at the request of Ms. PELOSI) for today.

Ms. HARRIS (at the request of Mr. DELAY) for February 28 and the balance of the week on account of a family emergency.

Mr. LEACH (at the request of Mr. DELAY) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHIFF) to revise and extend their remarks and include extraneous material:)

Mr. SCHIFF, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

(The following Members (at the request of Mr. WELDON of Florida) to revise and extend their remarks and include extraneous material:)

Mr. WELDON of Florida, for 5 minutes, today.

Mr. FOSSELLA, for 5 minutes, today.

Mr. POE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SCOTT of Virginia and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost \$1,880.

ADJOURNMENT

Mr. REICHERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until Monday, March 7, 2005, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1016. A letter from the Regulatory Contact, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting the Department's final rule—United States Standards for Wheat (RIN: 580-AA86) received February 15, 2005, pursuant to

5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1017. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Karnal Bunt; Revision of Regulations for Importing Wheat [Docket No. 02-057-2] (RIN: 0579-AB74) received February 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1018. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Brucellosis in Swine; Add Arkansas, Louisiana, and Michigan to List of Validated Brucellosis Free States [Docket No. 04-103-2] received February 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1019. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Golden Nematode; Regulated Areas [Docket No. 04-093-2] received February 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1020. A communication from the President of the United States, transmitting a request for FY 2005 supplemental appropriations from the Legislative Branch and the Judicial Branch; (H. Doc. No. 109-14); to the Committee on Appropriations and ordered to be printed.

1021. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—FHA TOTAL Mortgage Scorecard [Docket No. FR-4835-F-03] (RIN: 2502-A100) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1022. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Eligibility of Mortgages on Hawaiian Home Lands Insured Under Section 247 [Docket No. FR-4779-F-02] (RIN: 2502-AH92) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1023. A letter from the Secretary, Department of Education, transmitting the Department's final rule—Scientifically Based Evaluation Methods (RIN: 1890-ZA00) received February 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1024. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Secondary Direct Food Additives Permitted in Food for Human Consumption [Docket No. 2003F-0128] received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1025. A letter from the Special Counsel, WCB/CPD, Federal Communications Commission, transmitting the Commission's final rule—Unbundled Access to Network Elements [WC Docket No. 04-313] Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers [CC Docket No. 01-338] received February 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1026. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule—Revision of Part 15 of the Commission's Rules Regarding Ultra-Wideband Transmission [ET Docket No. 98-153] received February 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1027. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Com-

munications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Security and Genoa, Colorado) [MB Docket No. 04-367, RM-11070] received February 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1028. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Corydon and Lanesville, Indiana) [MB Docket No. 04-380, RM-11069] received February 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1029. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Weatherford, Blanford, Elmore City, and Wynnewood, Oklahoma) [MB Docket No. 03-181, RM-10758, RM-11123] received February 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1030. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Yazoo City and Benton, Mississippi) [MB Docket No. 04-249, RM-10999] received February 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1031. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (El Dorado, Arkansas) [MB Docket No. 04-282, RM-11042] received February 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1032. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Centre Hall, Mount Union, and Huntingdon, Pennsylvania) [MB Docket No. 03-231, RM-10818] received February 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1033. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Thief River Falls, Minnesota) [MB Docket No. 00-163; RM-9934] received February 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1034. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Appleton, Wisconsin) [MB Docket No. 04-185; RM-10860] received February 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1035. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliance and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule")—received February 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1036. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Labeling Requirements for Alternative Fuels and Alternative Fueled Vehicles—received February 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1037. A communication from the President of the United States, transmitting a report including matters relating to the interdiction of aircraft engaged in illicit drug trafficking, pursuant to Public Law 107-108 22 U.S.C. 2291-4; (H. Doc. No. 109-13); to the Committee on International Relations and ordered to be printed.

1038. A letter from the Acting Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule—Cuban Assets Control Regulations—received February 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1039. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Technical Corrections to the Export Administration Regulations [Docket No. 050202022-5022-01] (RIN: 0694-AD32) received February 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1040. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revision of License Exception TMP for Activities by Organizations Working to Relieve Human Suffering in Sudan [Docket No. 050209030-5030-01] (RIN: 0694-AD38) received February 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1041. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule—Contributions and Donations by Minors [Notice 2005-4] received February 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

1042. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS)—Document Incorporated by Reference—American Petroleum Institute (API) 510 (RIN: 1010-AC95) received February 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1043. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule to Designate Critical Habitat for the Buena Vista Lake shrew (*Sorex ornatus relictus*) (RIN: 1018-AT66) received February 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1044. A letter from the Under Secretary and Director USPTO, Department of Commerce, transmitting the Department's final rule—Revision of Search and Examination Fees for Patent Cooperation Treaty Applications Entering the National Stage in the United States [Docket No.: 2005-P-052] (RIN: 0651-AB84) received February 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1045. A letter from the Under Secretary and Director USPTO, Department of Commerce, transmitting the Department's final rule—Changes to Implement the Cooperative Research and Technology Enhancement Act of 2004 [Docket No. 2004-P-034] (RIN: 0651-AB76) received January 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1046. A letter from the Secretary, Federal Trade Commission, transmitting the Com-

mission's final rule—Revised Jurisdictional Thresholds for Section 8 of The Clayton Act—received February 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1047. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Adjustments to Civil Monetary Penalty Amounts [Release Nos. 33-8530; 31-51136; IA-2348; IC-26748] received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1048. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Regulated Navigation Area removal; Brunswick, Georgia, Turtle River, in the vicinity of the Sidney Lanier Bridge [CGD7-04-153] (RIN: 1625-AA11) received February 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1049. A letter from the FMCSA Regulatory Officer, Department of Transportation, transmitting the Department's final rule—Title VI Regulations for Federal Motor Carrier Safety Administration Financial Assistance Recipients [Docket No. FMCSA-2002-13248] (RIN: 2126-AA79) received February 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1050. A letter from the Attorney Advisor, RSPA, Department of Transportation, transmitting the Department's final rule—Pipeline Safety; Periodic Updates to Pipeline Safety Regulations [Docket No. RSPA-99-6106; Amdt. 192-94] (RIN: 2137-AD35) received February 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1051. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company 90, 99, 100, 200, and 300 Series Airplanes [Docket No. FAA-2004-19089; Directorate Identifier 2000-CE-38-AD; Amendment 39-13928; AD 2005-01-04] (RIN: 2120-AA64) received February 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1052. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-100 and -200B Series Airplanes [Docket No. FAA-2004-18729; Directorate Identifier 2004-NM-24-AD; Amendment 39-13931; AD 2005-01-07] (RIN: 2120-AA64) received February 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1053. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-100, -200B, -200F, -200C, -100B, -300, -100B SUD, -400, -400D, -400F, and 747SR Series Airplanes [Docket No. FAA-2004-18601; Directorate Identifier 2004-NM-34-AD; Amendment 39-13933; AD 2005-01-09] (RIN: 2120-AA64) received February 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1054. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc RB211-524 Series Turbofan Engines [Docket No. 2004-NE-19-AD; Amendment 39-13917; AD 2004-26-05] (RIN: 2120-AA64) received February 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1055. A letter from the Paralegal Specialist, FAA, Department of Transportation,

transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. FAA-2004-19560; Directorate Identifier 2004-NM-121-AD; Amendment 39-13930; AD 2005-01-06] (RIN: 2120-AA64) received February 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1056. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc RB211 Trent 700 Series Turbofan Engines [Docket No. 2000-NE-05-AD; Amendment 39-13941; AD 2005-01-16] (RIN: 2120-AA64) received February 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1057. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30437; Amdt. No. 453] received February 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1058. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30434; Amdt. No. 3113] received February 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1059. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30433; Amdt. No. 3112] received February 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1060. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30436; Amdt. No. 3115] received February 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1061. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30435; Amdt. No. 3114] received February 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1062. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. FAA-2005-20250; Directorate Identifier 2003-NM-267-AD; Amendment 39-13961; AD 2005-03-05] (RIN: 2120-AA64) received February 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1063. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company 90, 99, 100, 200, and 300 Series Airplanes [Docket No. 2000-CE-38-AD; Amendment 39-13928; AD 2005-01-04] (RIN: 2120-AA64) received February 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1064. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A318, A319, A320, A321 Series Airplanes Equipped

with Air Cruisers/Aerazur Forward and Aft Passenger Door Emergency Escape Slides [Docket No. FAA-2004-19494; Directorate Identifier 2004-NM-135-AD; Amendment 39-13919; AD 2004-26-07] (RIN: 2120-AA64) received February 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1065. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Certification Procedures for Products and Parts; Type Certificates; Issue of Type Certificates; Supplus Aircraft of the Armed Forces; Correction—received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1066. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Picture Identification Requirements [Docket No. FAA-2002-11666; Amendment No. 61-111] (RIN: 2120-AH76) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1067. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce Deutschland (RRD) (Formerly Rolls-Royce plc) Tay 611-8, Tay 611-15, Tay 620-15/20, Tay 650-15, Tay 650-15/10, and Tay 651-54 Turbofan Engines; Correction [Docket No. 2004-NE-11-AD; Amendment 39-13922; AD 2004-26-10] (RIN: 2120-AA64) received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1068. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce Deutschland (RRD) (Formerly Rolls-Royce plc) Tay 611-8, Tay 620-15, Tay 620-15/20, Tay 650-15, Tay 650-15/10, and Tay 651-54 Turbofan Engines [Docket No. FAA-2004-NE-11-AD; Amendment 39-13922; AD 2004-26-10] (RIN: 2120-AA64) received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1069. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes [Docket No. 2002-NM-182-AD; Amendment 39-13882; AD 2004-24-06] (RIN: 2120-AA64) received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1070. A letter from the Chief, Regulations Branch, CBP, Department of Homeland Security, transmitting the Department's final rule—Publication of Administrative Forfeiture Notices [CBP Dec. 05-02] (RIN: 1651-AA48) received February 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1071. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous (Rev. Proc. 2005-15) received February 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1072. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Specified Liability Losses [Notice 2005-20] received February 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1073. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Return of Partnership Income [TD 9177] (RIN: 1545-BC04) received February 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1074. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Testimony or Production of Records in a Court or Other Proceeding [TD 9178] (RIN: 1545-BB15) received February 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1075. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Adjustment to Net Unrealized Built-in Gain [TD 9180] (RIN: 1545-BC29) received February 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1076. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories (Rev. Rul. 2005-12) received February 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1077. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Tax-Exempt Leasing Involving Defeasance [Notice 2005-13] received February 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1078. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rates Update [Notice 2005-19] received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ENGLISH of Pennsylvania (for himself, Mr. VISLOSKY, Mr. NEY, Mr. REGULA, Mr. ADERHOLT, Mr. SOUDER, Mr. WILSON of South Carolina, Ms. HART, Mr. BOEHLERT, Mrs. CAPITO, Mr. MURTHA, Mr. OBERSTAR, Mr. STRICKLAND, Mr. STUPAK, Mr. DINGELL, Mr. BERRY, Mr. BONNER, Mr. BURTON of Indiana, Mr. CRAMER, Mr. DAVIS of Alabama, Mr. DOYLE, Mr. EVANS, Mr. HOLDEN, Ms. KAPTUR, Mr. PLATTS, Mr. RUPPERSBERGER, Mr. SPRATT, Ms. KILPATRICK of Michigan, Mr. BUTTERFIELD, Mr. HALL, Mr. LAHOOD, Mr. BISHOP of Georgia, Mr. CONYERS, Mr. JACKSON of Illinois, Mr. KILDEE, Mr. RANGEL, Mr. SHIMKUS, Mr. GENE GREEN of Texas, Mr. BACHUS, Mr. BRADY of Pennsylvania, Mr. BROWN of South Carolina, Mr. BROWN of Ohio, Mr. COSTELLO, Mr. LEVIN, Mr. MOLLOHAN, Mr. MURPHY, Mrs. MYRICK, Mr. ROSS, Mr. RYAN of Ohio, Mrs. JONES of Ohio, Mr. PALLONE, Mr. LIPINSKI, Mr. MCGOVERN, Mr. HAYES, Mr. DAVIS of Illinois, Mr. CUMMINGS, and Mr. BISHOP of Utah):

H.R. 1068. A bill to maintain and expand the steel import licensing and monitoring program; to the Committee on Ways and Means.

By Ms. BEAN (for herself, Mr. EMANUEL, Mr. GUTIERREZ, Ms. SLAUGHTER, Mr. VAN HOLLEN, Mr. TOWNS, Mrs. MALONEY, Mr. LIPINSKI, Mr. McDERMOTT, Ms. SCHAKOWSKY, Mr. BRADY of Pennsylvania, and Mr. DeFAZIO):

H.R. 1069. A bill to require Federal agencies, and persons engaged in interstate commerce, in possession of electronic data containing personal information, to disclose any

unauthorized acquisition of such information, to amend the Gramm-Leach-Bliley Act to require financial institutions to disclose to customers and consumer reporting agencies any unauthorized access to personal information, to amend the Fair Credit Reporting Act to require consumer reporting agencies to implement a fraud alert with respect to any consumer when the agency is notified of any such unauthorized access, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Government Reform, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ADERHOLT (for himself, Mr. MCCOTTER, Mr. PENCE, Mrs. JO ANN DAVIS of Virginia, Mr. BACHUS, Mr. RYUN of Kansas, Ms. FOXX, Mr. BARRETT of South Carolina, Mr. WAMP, Mr. WILSON of South Carolina, Mr. ROGERS of Alabama, Mr. PITTS, Mr. EVERETT, Mr. CANNON, Mr. SOUDER, Mr. CANTOR, Mr. PRICE of Georgia, Mr. MCINTYRE, Mr. WELDON of Florida, Mr. JONES of North Carolina, Mr. BISHOP of Utah, Mr. HERGER, Mr. GOODE, Mr. HALL, and Mr. LEWIS of Kentucky):

H.R. 1070. A bill to limit the jurisdiction of Federal courts in certain cases and promote federalism; to the Committee on the Judiciary.

By Mr. DAVIS of Florida (for himself and Mr. GIBBONS):

H.R. 1071. A bill to direct the Secretary of Energy to make incentive payments to the owners or operators of qualified desalination facilities to partially offset the cost of electrical energy required to operate such facilities, and for other purposes; to the Committee on Resources.

By Mr. HINOJOSA (for himself, Mr. BRADY of Texas, Mr. CULBERSON, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. ORTIZ, Mr. REYES, Mr. EDWARDS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUELLAR, Mr. GONZALEZ, Mr. DOGGETT, Ms. JACKSON-LEE of Texas, Mr. PAUL, Mr. SAM JOHNSON of Texas, Mr. SMITH of Texas, Mr. THORNBERRY, Mr. MARCHANT, Mr. DELAY, Mr. BARTON of Texas, Mr. HENSARLING, Mr. SESSIONS, Mr. BURGESS, Mr. CARTER, Mr. GOHMERT, Ms. GRANGER, Mr. HALL, Mr. McCAUL of Texas, Mr. NEUGEBAUER, Mr. POE, Mr. CONAWAY, and Mr. BONILLA):

H.R. 1072. A bill to designate the facility of the United States Postal Service located at 151 West End Street in Goliad, Texas, as the "Judge Emilio Vargas Post Office Building"; to the Committee on Government Reform.

By Mr. SAM JOHNSON of Texas (for himself, Mr. NORWOOD, Mr. WILSON of South Carolina, Mr. MARCHANT, Mr. AKIN, Mr. FLAKE, Mr. SHADEGG, Mr. KLINE, Mr. ISTOOK, Mr. RYUN of Kansas, Mrs. MUSGRAVE, Mr. PITTS, Ms. FOXX, Mr. CANTOR, Mr. BURTON of Indiana, Mr. WESTMORELAND, Mr. TIAHRT, Mrs. MYRICK, Mr. GINGREY, Mr. RADANOVICH, and Mr. COLE of Oklahoma):

H.R. 1073. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 to inform union members of their rights; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON of Texas (for himself, Mr. NORWOOD, Mr. WILSON of South Carolina, Mr. MARCHANT, Mr. AKIN, Mr. FLAKE, Mr. SHADEGG, Mr. KLINE, Mr. ISTOOK, Mr. RYUN of Kansas, Mrs. MUSGRAVE, Mr. PITTS, Ms.

FOXX, Mr. CANTOR, Mr. BURTON of Indiana, and Mr. WESTMORELAND):

H.R. 1074. A bill to enhance notification to union members of their rights under the Labor-Management Reporting and Disclosure Act of 1959; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON of Texas (for himself, Mr. NORWOOD, Mr. WILSON of South Carolina, Mr. MARCHANT, Mr. AKIN, Mr. FLAKE, Mr. SHADEGG, Mr. KLINE, Mr. ISTOOK, Mr. RYUN of Kansas, Mrs. MUSGRAVE, Mr. PITTS, Ms. FOXX, Mr. CANTOR, Mr. BURTON of Indiana, and Mr. WESTMORELAND):

H.R. 1075. A bill to provide for civil monetary penalties in certain cases; to the Committee on Education and the Workforce.

By Mr. SCHIFF:

H.R. 1076. A bill to authorize the President to detain an enemy combatant who is a United States person or resident who is a member of al Qaeda or knowingly cooperated with members of al Qaeda, to guarantee timely access to judicial review to challenge the basis for a detention, to permit the detainee access to counsel, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG (for himself and Mr. RYUN of Kansas):

H.R. 1077. A bill to improve the access of investors to regulatory records with respect to securities brokers, dealers, and investment advisers; to the Committee on Financial Services.

By Mr. MARKEY (for himself, Mr. EMANUEL, Mrs. CAPPS, Mr. GEORGE MILLER of California, Mr. McNULTY, and Mr. SANDERS):

H.R. 1078. A bill to strengthen the authority of the Federal Government to protect individuals from certain acts and practices in the sale and purchase of Social Security numbers and Social Security account numbers, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTLETT of Maryland (for himself, Mr. HALL, Mr. WICKER, Mr. MILLER of Florida, Mr. NORWOOD, Mr. SMITH of New Jersey, Mr. WAMP, Mr. PITTS, Mr. CHABOT, Mrs. BLACKBURN, Mr. BAKER, Mr. FORBES, Mr. WELDON of Florida, Mr. ROGERS of Alabama, Mr. SHIMKUS, Mrs. JO ANN DAVIS of Virginia, Mr. DAVIS of Kentucky, Mr. AKIN, Ms. HART, Mr. GINGREY, Mr. PICKERING, Mr. KING of Iowa, Mr. RYUN of Kansas, Mrs. MUSGRAVE, Mr. ADERHOLT, Mr. INGLIS of South Carolina, Mr. DAVIS of Tennessee, Mr. RENZI, Mr. JONES of North Carolina, Mr. STEARNS, Mr. CANTOR, Mr. MCCOTTER, Mrs. MYRICK, Mr. BEAUPREZ, Mr. FRANKS of Arizona, Mr. PENCE, Mr. SAM JOHNSON of Texas, Mr. TERRY, Mr. TIBERI, Mr. DOOLITTLE, Mr. ROGERS of Kentucky, Mr. SOUDER, Mr. BROWN of South Carolina, Mr. KENNEDY of Minnesota, Mr. BOOZMAN, Mr. WHITFIELD, Ms. FOXX, and Mrs. EMERSON):

H.R. 1079. A bill to provide that the approved application under the Federal Food, Drug, and Cosmetic Act for the drug commonly known as RU-486 is deemed to have been withdrawn, to provide for the review by the Comptroller General of the United States

of the process by which the Food and Drug Administration approved such drug, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MARKEY (for himself, Mr. THOMPSON of Mississippi, and Ms. SCHAKOWSKY):

H.R. 1080. A bill to regulate information brokers and protect individual rights with respect to personally identifiable information; to the Committee on Energy and Commerce.

By Ms. BERKLEY (for herself, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. McNULTY, Mr. PAYNE, Mr. RANGEL, Ms. SCHAKOWSKY, Mr. WAXMAN, Mr. HINCHEY, Mr. ABERCROMBIE, Mr. WEXLER, Mr. OWENS, Mr. JEFFERSON, Mr. GRIJALVA, Mr. BURGESS, Mr. ALLEN, and Mr. CUMMINGS):

H.R. 1081. A bill to amend the Older Americans Act of 1965 to provide information and outreach for the prevention of osteoporosis; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOREN (for himself and Mr. SULLIVAN):

H.R. 1082. A bill to designate the facility of the United States Postal Service located at 120 East Illinois Avenue in Vinita, Oklahoma, as the "Francis C. Goodpaster Post Office Building"; to the Committee on Government Reform.

By Mr. BOREN (for himself and Mr. COLE of Oklahoma):

H.R. 1083. A bill to amend the Controlled Substances Act with respect to the regulation of ephedrine alkaloids, including ephedrine and pseudoephedrine; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADLEY of New Hampshire (for himself and Mr. BASS):

H.R. 1084. A bill to authorize the establishment at Antietam National Battlefield of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiments and the First New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862, and for other purposes; to the Committee on Resources.

By Mr. BURGESS:

H.R. 1085. A bill to amend title 23, United States Code, relating to design-build contracting; to the Committee on Transportation and Infrastructure.

By Mr. BURGESS (for himself, Mr. BARTON of Texas, and Mr. SESSIONS):

H.R. 1086. A bill to require the Secretary of Transportation to develop and implement an environmental review process for safety emergency highway projects; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUTTERFIELD:

H.R. 1087. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Northeastern North Carolina Heritage Area in North Carolina, and for other purposes; to the Committee on Resources.

By Mr. CASTLE (for himself, Mr. NEY, Mr. GREEN of Wisconsin, Mr. OXLEY,

Ms. CARSON, Mr. BACHUS, Mr. GILLMOR, Ms. HARMAN, Mr. ROGERS of Michigan, Mr. WOLF, Mr. McCAUL of Texas, Mr. DENT, Mr. PLATTS, Mr. WELDON of Pennsylvania, Mr. WILSON of South Carolina, Mr. DELAHUNT, Mr. HOLDEN, Mr. SOUDER, Mr. GILCHREST, Mr. EVANS, Mr. FORBES, Mrs. LOWEY, Mr. OWENS, Mr. BAKER, Mr. KILDEE, Mr. DOYLE, Mr. COSTELLO, Mr. UPTON, Mr. MCGOVERN, Mr. CONAWAY, Mr. BRADY of Texas, Mr. CALVERT, Mrs. CAPITO, Mr. KING of New York, Mr. BARTLETT of Maryland, Mr. DUNCAN, Mr. COX, Mrs. JOHNSON of Connecticut, Mr. KENNEDY of Minnesota, Mr. EHLERS, Mr. MCHUGH, Mr. GOODE, Mr. GARRETT of New Jersey, Mr. MCINTYRE, Mr. FOSSELLA, Mr. ETHERIDGE, Mr. PAYNE, Mr. McNULTY, Mr. RUPPERSBERGER, Mr. ROSS, Mr. STUPAK, Mr. BISHOP of Georgia, Mrs. JO ANN DAVIS of Virginia, Mr. FLAKE, Mr. REHBERG, Mr. REYNOLDS, Mr. NORWOOD, Mrs. KELLY, Mr. KUHLMAN of New York, and Mr. INGLIS of South Carolina):

H.R. 1088. A bill to remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies; to the Committee on the Judiciary.

By Mr. DAVIS of Illinois:

H.R. 1089. A bill to amend the Higher Education Act of 1965 to improve the opportunity for Federal student loan borrowers to consolidate their loans at reasonable interest rates; to the Committee on Education and the Workforce.

By Mr. DEFAZIO (for himself, Mr. WALDEN of Oregon, Mr. BLUMENAUER, Ms. HOOLEY, Mr. WU, and Mr. GEORGE MILLER of California):

H.R. 1090. A bill to designate a Forest Service trail at Waldo Lake in the Willamette National Forest in the State of Oregon as a national recreation trail in honor of Jim Weaver, a former Member of the House of Representatives; to the Committee on Resources.

By Mr. ENGLISH of Pennsylvania:

H.R. 1091. A bill to amend the Internal Revenue Code of 1986 to provide for small business tax incentives, to amend the Fair Labor Standards Act of 1938 to increase the minimum wage and to increase the exemption for annual gross volume of sales made or business done by an enterprise, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself, Mr. PENCE, Mr. HUNTER, Mr. PETERSON of Minnesota, Mr. SENSENBRENNER, Mr. GORDON, Mr. BURTON of Indiana, Mr. MATHESON, Mr. DOOLITTLE, Mr. CANTOR, Mr. SMITH of New Jersey, Mr. CHABOT, Mr. PAUL, Mrs. JO ANN DAVIS of Virginia, Mr. MCCOTTER, Mr. WILSON of South Carolina, Mr. BOOZMAN, Mr. McCAUL of Texas, Mr. AKIN, Mr. BAKER, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BEAUPREZ, Mr. BRADLEY of New Hampshire, Mr. BRADY of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. CALVERT, Mr. CARTER, Mr. CHOCOLA, Mr. CULBERSON, Mr. MARIO DIAZ-BALART of Florida, Mr. DUNCAN, Mr. EVERETT, Mr. FOSSELLA, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY, Ms. HART, Mr. HERGER, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mrs. KELLY, Mr. KING of Iowa,

Mr. KLINE, Mr. MCHENRY, Mr. MILLER of Florida, Mr. MURPHY, Mr. NEUGEBAUER, Mr. OTTER, Mr. REHBERG, Mr. RYAN of Wisconsin, Mr. SAXTON, Mr. SHUSTER, Mr. SIMPSON, Mr. SODREL, and Mr. TERRY):

H.R. 1092. A bill to require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is cooperating in the investigation of the United Nations Oil-for-Food Program; to the Committee on International Relations.

By Mr. FOSSELLA (for himself and Mr. SWEENEY):

H.R. 1093. A bill to amend the USA PATRIOT Act of 2001 to change the manner of allocation of first responder grant funds; to the Committee on Homeland Security.

By Mr. FOSSELLA:

H.R. 1094. A bill to amend the Internal Revenue Code of 1986 to allow individuals who served in a combat zone as a member of the Armed Forces of the United States to make distributions from qualified retirement plans beginning at age 55 without being subject to the 10-percent additional tax for early withdrawal; to the Committee on Ways and Means.

By Mr. FOSSELLA (for himself, Mr. KING of New York, Mr. FORTUÑO, Mrs. MCCARTHY, Ms. HARMAN, Mr. WEINER, Mr. SAXTON, Mr. DAVIS of Illinois, Mr. MENENDEZ, Mr. BISHOP of New York, Mr. ENGEL, Mr. SHAYS, and Mr. ACKERMAN):

H.R. 1095. A bill to amend the Internal Revenue Code of 1986 to establish and provide a checkoff for a World Trade Center Memorial Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARRETT of New Jersey (for himself, Mr. PALLONE, Mr. PAYNE, Mr. FERGUSON, Mr. SMITH of New Jersey, and Mr. ANDREWS):

H.R. 1096. A bill to establish the Thomas Edison National Historical Park in the State of New Jersey as the successor to the Edison National Historic Site; to the Committee on Resources.

By Mr. GARRETT of New Jersey:

H.R. 1097. A bill to amend the Internal Revenue Code of 1986 to reduce the Federal tax on fuels by the amount of any increase in the rate of tax on such fuel by the States; to the Committee on Ways and Means.

By Mr. GOODE (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. LAHOOD, Mr. PLATTS, Mrs. CHRISTENSEN, Mr. BISHOP of Georgia, Mr. JONES of North Carolina, Mr. BARTLETT of Maryland, Mr. BURTON of Indiana, Mr. MORAN of Virginia, Mr. PASTOR, Mr. SOUDER, Mr. WOLF, Mr. FORBES, Mrs. DRAKE, Mr. OWENS, Mr. BOUCHER, Mr. HALL, and Mr. GOODLATTE):

H.R. 1098. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate any portion of a refund for use by the Secretary of Health and Human Services in providing catastrophic health coverage to individuals who do not otherwise have health coverage; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HOOLEY (for herself, Mr. ENGEL, and Mr. CASE):

H.R. 1099. A bill to criminalize Internet scams involving fraudulently obtaining per-

sonal information, commonly known as phishing; to the Committee on the Judiciary.

By Mr. HOSTETTLER (for himself, Mr. WILSON of South Carolina, Mr. PAUL, Mr. AKIN, Mr. GARRETT of New Jersey, Mr. JONES of North Carolina, Mr. STEARNS, Mr. PENCE, Mrs. JO ANN DAVIS of Virginia, Mr. NORWOOD, Mr. WAMP, Mr. NEUGEBAUER, Mr. BROWN of South Carolina, Mr. CANNON, Mr. GINGREY, Mr. RADANOVICH, Mr. MARSHALL, Mr. PITTS, Mr. DAVIS of Tennessee, Mr. CANTOR, Mr. BACHUS, Mr. BARTLETT of Maryland, Mrs. CUBIN, Mr. RYUN of Kansas, Mr. SAM JOHNSON of Texas, Mr. TIAHRT, Mr. WICKER, Mr. HAYES, Mrs. MYRICK, Mr. BURTON of Indiana, Mr. GRAVES, Mr. MILLER of Florida, Mr. ALEXANDER, Mr. BARRETT of South Carolina, Mr. DUNCAN, Mr. CARTER, Mrs. BLACKBURN, Mr. PUTNAM, Mr. ADERHOLT, Mr. MCHENRY, Mr. DAVIS of Kentucky, Mr. WESTMORELAND, Mr. HALL, Mr. LEWIS of Kentucky, Mr. BOOZMAN, Mr. POE, Mr. ROGERS of Kentucky, Mr. SODREL, and Mr. SMITH of New Jersey):

H.R. 1100. A bill to amend title 28, United States Code, to limit Federal court jurisdiction over questions under the Defense of Marriage Act; to the Committee on the Judiciary.

By Mr. HUNTER:

H.R. 1101. A bill to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California; to the Committee on Resources.

By Mr. ISRAEL:

H.R. 1102. A bill to amend title 10, United States Code, to protect the financial condition of members of the reserve components of the Armed Forces who are ordered to long-term active duty in support of a contingency operation, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. HOLT, Mr. EHLERS, Mr. MCDERMOTT, Mr. OLVER, Mr. GILCHREST, Mr. FOLEY, Mr. INSLEE, Mr. ENGEL, Mr. BOEHLERT, Mr. PALLONE, Mr. MARKEY, Mr. SANDERS, Mrs. DAVIS of California, Mr. SHAYS, Mr. CASTLE, Mr. ENGLISH of Pennsylvania, Mr. GRIJALVA, Mr. CASE, Ms. DELAURO, Mr. UDALL of Colorado, Mr. LANTOS, Ms. DEGETTE, Mr. MORAN of Virginia, and Mr. VAN HOLLEN):

H.R. 1103. A bill to require accurate fuel economy testing procedures; to the Committee on Energy and Commerce.

By Mrs. JOHNSON of Connecticut (for herself, Mr. SHAYS, and Mr. SIMMONS):

H.R. 1104. A bill to repeal the Federal acknowledgment of the Schaghticoke Tribal Nation; to the Committee on Resources.

By Mrs. KELLY (for herself and Mr. SHUSTER):

H.R. 1105. A bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams; to the Committee on Transportation and Infrastructure.

By Mr. KENNEDY of Rhode Island (for himself, Ms. ROS-LEHTINEN, Mr. TOWNS, Mr. OWENS, Ms. MILLENDER-MCDONALD, Mr. KIND, Mr. HINCHEY, Ms. DELAURO, Mr. GUTIERREZ, Mr. LYNCH, Mr. McNULTY, Mr. MCGOVERN, Mr. MEEHAN, Mr. PLATTS, Ms.

KILPATRICK of Michigan, Ms. WOOLSEY, Mrs. NAPOLITANO, Mr. CONYERS, Mr. LANTOS, Mr. STARK, and Mr. HOLDEN):

H.R. 1106. A bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself, Mr. CONYERS, Mrs. JONES of Ohio, Mr. CASE, Mr. HOLT, Mr. SHIMKUS, Mr. HINCHEY, Mr. EVANS, Mr. SCHIFF, Mr. MCDERMOTT, Mr. GRIJALVA, Mr. WEINER, Mr. ETHERIDGE, Mr. FRANK of Massachusetts, Mr. CLYBURN, Ms. ESHOO, Mr. SHERMAN, Mr. OWENS, Mr. McNULTY, Mr. FILNER, and Mr. BUTTERFIELD):

H.R. 1107. A bill to amend the Individuals with Disabilities Education Act to provide full funding for assistance for education of all children with disabilities; to the Committee on Education and the Workforce.

By Mr. LYNCH (for himself, Mr. KING of New York, Mr. TOWNS, Mr. MCDERMOTT, Mrs. CHRISTENSEN, Mr. MCGOVERN, Mr. ABERCROMBIE, and Mr. CAPUANO):

H.R. 1108. A bill to establish the National Center on Liver Disease Research, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LYNCH (for himself, Mrs. MALONEY, Mrs. MCCARTHY, Mr. OWENS, Mr. TIERNEY, Mr. MCDERMOTT, Mr. MCGOVERN, and Ms. LEE):

H.R. 1109. A bill to provide for the security and safety of rail and rail transit transportation systems, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARCHANT:

H.R. 1110. A bill to amend title 23, United States Code, relating to the toll credit toward the non-Federal share payable for certain highway and transit projects; to the Committee on Transportation and Infrastructure.

By Mr. MARCHANT:

H.R. 1111. A bill to amend title 23, United States Code, relating to design-build contracting; to the Committee on Transportation and Infrastructure.

By Mr. MARCHANT:

H.R. 1112. A bill to amend title 23, United States Code, relating to rail line acquisition and relocation projects; to the Committee on Transportation and Infrastructure.

By Mr. MCCRERY (for himself, Mr. WELLER, Mr. ENGLISH of Pennsylvania, Mr. JEFFERSON, Mr. LEWIS of Kentucky, Mr. COLE of Oklahoma, Mr. HERGER, and Mr. NUNES):

H.R. 1113. A bill to amend the Internal Revenue Code of 1986 to provide that natural gas distribution lines are 15-year property for depreciation purposes; to the Committee on Ways and Means.

By Mr. MCCRERY (for himself, Mr. ENGLISH of Pennsylvania, Mr. SULIVAN, and Mr. BROWN of Ohio):

H.R. 1114. A bill to amend the Internal Revenue Code of 1986 to modify the small refiner exception to the oil depletion deduction; to the Committee on Ways and Means.

By Mr. McKEON:

H.R. 1115. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the tariff rate for certain mechanics' gloves; to the Committee on Ways and Means.

By Ms. MILLENDER-McDONALD:

H.R. 1116. A bill to direct the Secretary of Homeland Security to carry out activities to assess and reduce the vulnerabilities of public transportation systems; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PEARCE:

H.R. 1117. A bill to amend title 49, United States Code, relating to the assurance required of owners and operators of airports with respect to long-term leases for construction of hangars; to the Committee on Transportation and Infrastructure.

By Mr. PETERSON of Minnesota (for himself, Mr. ETHERIDGE, Mr. MCINTYRE, and Mr. ROSS):

H.R. 1118. A bill to amend the Federal Crop Insurance Act to establish permanent authority for the Secretary of Agriculture to quickly provide disaster relief to agricultural producers who incur crop losses as a result of damaging weather or related condition in federally declared disaster areas, and for other purposes; to the Committee on Agriculture.

By Mr. PETERSON of Pennsylvania (for himself, Mr. McHUGH, Mr. PAUL, Mr. CASE, Mr. BERRY, Mr. RAHALL, Mr. MATHESON, Mr. BOOZMAN, Mr. JOHNSON of Illinois, Mr. SHUSTER, Mr. SANDERS, Mr. MORAN of Kansas, Mr. SWEENEY, Mr. MICHAUD, Mr. CRAMER, Mrs. CUBIN, and Mr. PETERSON of Minnesota):

H.R. 1119. A bill to amend title 49, United States Code, to repeal the essential air service local participation program; to the Committee on Transportation and Infrastructure.

By Mr. RAMSTAD (for himself and Mr. CARDIN):

H.R. 1120. A bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Ways and Means.

By Mr. RAMSTAD (for himself and Mr. SHAW):

H.R. 1121. A bill to repeal section 754 of the Tariff Act of 1930; to the Committee on Ways and Means.

By Mr. ROGERS of Michigan:

H.R. 1122. A bill to improve traffic safety by discouraging the use of traffic signal preemption transmitters; to the Committee on the Judiciary.

By Mr. SABO:

H.R. 1123. A bill to amend title II of the Social Security Act to establish an effective real annual rate of interest at 4.7 percent for special obligations issued to the Social Security trust funds; to the Committee on Ways and Means.

By Mr. SOUDER (for himself, Mr. BAIRD, Mr. BOEHLERT, Mr. ENGLISH of Pennsylvania, Mr. FORD, Mr. GRIJALVA, Mr. LEWIS of Georgia, Mr. PLATTS, Mr. REICHERT, Ms. ROSLEHTINEN, Mr. CUMMINGS, Mr. UDALL of Colorado, Mr. EHLERS, Mr. KILDEE, Mr. MICHAUD, Mrs. CAPITO, Mr. SCHWARZ of Michigan, Ms. MCCOLLUM of Minnesota, Mr. DUNCAN, Mr. SNYDER, Mr. JENKINS, Ms. BORDALLO, and Mr. RENZI):

H.R. 1124. A bill to eliminate the annual operating deficit and maintenance backlog in the national parks, and for other purposes; to the Committee on Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STRICKLAND (for himself and Mr. MURPHY):

H.R. 1125. A bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself, Ms. WOOLSEY, Mr. CASE, Mr. DAVIS of Illinois, Mr. VAN HOLLEN, Mr. KILDEE, Mr. SAXTON, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. PLATTS, Mr. MCNULTY, Mr. GENE GREEN of Texas, Ms. LORETTA SANCHEZ of California, Mr. WELDON of Pennsylvania, Mr. LYNCH, Mr. HINCHEY, Mr. BUTTERFIELD, Ms. WASSERMAN SCHULTZ, Mr. SMITH of New Jersey, Ms. SLAUGHTER, Mr. CUMMINGS, Ms. SCHWARTZ of Pennsylvania, Mr. JACKSON of Illinois, Mr. LANTOS, Mr. LAHOOD, Mr. MARKEY, Mr. LEVIN, Ms. CARSON, Mr. MILLER of Florida, Mr. BERMAN, Mr. HASTINGS of Florida, Mr. OWENS, Mr. KIRK, Mr. PALLONE, Mr. SHAW, Mr. FITZPATRICK of Pennsylvania, Mr. EMANUEL, and Mr. GILCHREST):

H.R. 1126. A bill to amend the Federal Water Pollution Control Act to prohibit a publicly owned treatment works from diverting flows to bypass any portion of its treatment facility; to the Committee on Transportation and Infrastructure.

By Mr. TERRY (for himself, Mr. PETERSON of Minnesota, Mr. FORTENBERRY, and Mr. OSBORNE):

H.R. 1127. A bill to reauthorize the renewable energy production incentive and to provide that a qualified renewable energy facility shall not be assigned a priority for eligibility or allocation of appropriated funds on the basis of the energy source used at such facility; to the Committee on Energy and Commerce.

By Mr. THORNBERRY:

H.R. 1128. A bill to amend the Internal Revenue Code of 1986 to allow a credit for carbon dioxide captured from anthropogenic industrial sources and used as a tertiary injectant in enhanced oil and natural gas recovery; to the Committee on Ways and Means.

By Mr. UDALL of Colorado:

H.R. 1129. A bill to authorize the exchange of certain land in the State of Colorado; to the Committee on Resources.

By Ms. WATERS (for herself, Mr. LEACH, Mr. FRANK of Massachusetts, Mr. BACHUS, Mrs. MALONEY, and Ms. LEE):

H.R. 1130. A bill to provide for the cancellation of debts owed to international financial institutions by poor countries, and for other purposes; to the Committee on Financial Services.

By Mr. WELDON of Pennsylvania (for himself, Mr. BASS, Mr. CANTOR, Mr. CLAY, Mr. COSTELLO, Mr. ENGLISH of Pennsylvania, Mr. FITZPATRICK of Pennsylvania, Mr. GALLEGLY, Mr. HALL, Mr. HINCHEY, Mr. HOLDEN, Mr. HYDE, Mrs. JONES of Ohio, Mrs. MALONEY, Mr. McHUGH, Mr. MCINTYRE, Mr. OWENS, Ms. PRYCE of Ohio,

Mr. REHBERG, Mr. ROGERS of Michigan, Mr. SHIMKUS, Mr. SOUDER, Mr. UPTON, Mr. WILSON of South Carolina, Mr. ACKERMAN, Mr. CARNAHAN, Mr. EVANS, Mr. GILCHREST, Mr. GORDON, Mr. HOLT, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Mr. KILDEE, Mr. LARSON of Connecticut, Mrs. LOWEY, Mr. RUSH, Mr. TOWNS, Mr. WEXLER, and Mr. KENNEDY of Rhode Island):

H.R. 1131. A bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation; to the Committee on Ways and Means.

By Mr. WHITFIELD (for himself, Mr. PALLONE, Mr. NORWOOD, and Mr. STRICKLAND):

H.R. 1132. A bill to provide for the establishment of a controlled substance monitoring program in each State; to the Committee on Energy and Commerce.

By Mr. WOLF (for himself, Mr. LANTOS, Mr. SMITH of New Jersey, and Mr. PAYNE):

H.R. 1133. A bill to advance and strengthen democracy globally through peaceful means and to assist foreign countries to implement democratic forms of government, to strengthen respect for individual freedom, religious freedom, and human rights in foreign countries through increased United States advocacy, to strengthen alliances of democratic countries, to increase funding for programs of nongovernmental organizations, individuals, and private groups that promote democracy, and for other purposes; to the Committee on International Relations.

By Mr. SCHIFF (for himself, Ms. ROSLEHTINEN, Mr. ACKERMAN, and Mr. BERMAN):

H. Con. Res. 82. Concurrent resolution expressing the grave concern of Congress regarding the arrest of Ayman Nour, the leader of the al-Ghad party, by the Government of the Arab Republic of Egypt and the support of Congress for continued progress toward democracy in Egypt; to the Committee on International Relations.

By Mr. SMITH of New Jersey (for himself, Mr. PENCE, Mr. LANTOS, Mr. BURTON of Indiana, Ms. ROSLEHTINEN, Mr. WOLF, Mrs. JO ANN DAVIS of Virginia, Mr. CHABOT, Mr. PAYNE, Mr. MCGOVERN, Ms. KAPTUR, Ms. HARRIS, Mr. ENGEL, Mr. KIRK, Mr. McKEON, Mr. AKIN, Mr. BLUMENAUER, Mr. UDALL of New Mexico, Mr. BERMAN, Mr. ROHRBACHER, and Mr. PRICE of North Carolina):

H. Con. Res. 83. Concurrent resolution urging the appropriate representative of the United States to the 61st session of the United Nations Commission on Human Rights to introduce a resolution calling upon the Government of the People's Republic of China to end its human rights violations in China, and for other purposes; to the Committee on International Relations.

By Mr. DAVIS of Illinois:

H. Con. Res. 84. Concurrent resolution directing the Architect of the Capitol to enter into a contract for the design and construction of a monument to commemorate the contributions of minority women to women's suffrage and to the participation of women in public life, and for other purposes; to the Committee on House Administration.

By Mr. FILNER (for himself and Mr. ISSA):

H. Con. Res. 85. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor law enforcement officers killed in the line of duty and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Government Reform.

By Mr. HOYER (for himself, Mr. VAN HOLLEN, Mr. WOLF, Mr. WYNN, Mr. MORAN of Virginia, and Ms. NORTON):
H. Con. Res. 86. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Mr. DREIER (for himself, Mr. PRICE of North Carolina, Mr. HYDE, Mr. LANTOS, Mr. KIRK, Mr. BILIRAKIS, and Mr. GILLMOR):

H. Res. 135. A resolution providing for the establishment of a commission in the House of Representatives to assist parliaments in emerging democracies; to the Committee on International Relations.

By Mr. CONYERS (for himself, Ms. SLAUGHTER, Mr. WAXMAN, Mr. THOMPSON of Mississippi, Mr. RANGEL, Mr. BERMAN, Mr. BOUCHER, Mr. DEFazio, Mr. MCDERMOTT, Ms. WATERS, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. NADLER, Mr. SCOTT of Virginia, Ms. JACKSON-LEE of Texas, Ms. ZOE LOFGREN of California, Mr. MCGOVERN, Mr. SMITH of Washington, Mr. WEXLER, Ms. LEE, Mr. WEINER, Mr. SCHIFF, Mr. CAPUANO, Ms. WATSON, Ms. LINDA T. SANCHEZ of California, Mr. VAN HOLLEN, Mr. GEORGE MILLER of California, Mr. OLVER, and Mrs. MALONEY):

H. Res. 136. A resolution directing the Attorney General and the Secretary of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of those officials relating to the security investigations and background checks relating to granting access to the White House of James D. Guckert (also known as Jeff Gannon); to the Committee on the Judiciary.

By Mr. MORAN of Kansas (for himself, Mr. GOODLATTE, Mr. PETERSON of Minnesota, Mr. BLUNT, Mr. HAYES, Mr. LUCAS, Mr. BOEHNER, Mr. PICKERING, Mrs. MUSGRAVE, Mr. BARROW, Mr. GRAVES, Mr. OSBORNE, Mr. KING of Iowa, Mr. TERRY, Mr. REHBERG, Mr. HULSHOF, Mr. WALDEN of Oregon, Mr. NUSSLE, Mr. PENCE, Mrs. CUBIN, Mr. PETERSON of Pennsylvania, Mr. EVERETT, Mr. SHIMKUS, Mr. MILLER of Florida, Mr. PUTNAM, Mr. CULBERSON, Mr. JENKINS, Mr. GUTKNECHT, Mr. SIMPSON, Mr. OTTER, Mr. GOODE, Mr. NEUGEBAUER, Ms. FOX, Mr. SCOTT of Georgia, Mr. NUNES, Mr. ROGERS of Alabama, Mr. HOLDEN, Mr. HASTINGS of Washington, Mr. LARSEN of Washington, Mr. KENNEDY of Minnesota, Miss MCMORRIS, Mr. MCCAUL of Texas, Mr. WESTMORELAND, Mr. TIAHRT, Mr. MARSHALL, Mr. SKELTON, Mr. KINGSTON, Mr. BISHOP of Georgia, Mr. CONAWAY, Mr. BOOZMAN, Mr. LATHAM, Mr. ROSS, Mr. BERRY, and Mr. COLE of Oklahoma):

H. Res. 137. A resolution expressing the sense of the House of Representatives regarding the resumption of beef exports to Japan; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. NUNES, Mr. BOEHNER, Mr. FEENEY, Mr. FERGUSON, Mr. HALL, Mr. RADANOVICH, Mr. SCOTT of Georgia, Mr. MARIO DIAZ-BALART of Florida, Mr. KELLER, Mr. KUHL of New York, Mrs. MYRICK, Mr. BERRY, and Mr. PUTNAM.

H.R. 21: Mr. DOYLE, Mr. MORAN of Kansas, Mr. MORAN of Virginia, Mr. KUCINICH, Mr. NADLER, Mr. RUPPERSBERGER, Ms. SLAUGHTER, and Mr. SHERMAN.

H.R. 22: Mr. SAXTON and Ms. LEE.

H.R. 34: Mr. SIMMONS, Ms. LORETTA SANCHEZ of California, Mrs. MYRICK, Mr. TAYLOR of North Carolina, Mr. BARRETT of South Carolina, and Mr. REYES.

H.R. 43: Mr. SHAW.

H.R. 68: Mr. BERRY, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOREN, Mr. BOUSTANY, Mr. BRADLEY of New Hampshire, Mr. CAMP, Mrs. CAPPS, Mr. CAPUANO, Mr. CARNAHAN, Mr. CASE, Mr. CONYERS, Mrs. DAVIS of California, Mr. DAVIS of Kentucky, Mr. DREIER, Ms. ESHOO, Mr. FARR, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mr. GILCHREST, Ms. HARMAN, Mr. HEFLEY, Mr. HINOJOSA, Mr. HOLT, Mr. HONDA, Mr. KUHL of New York, Mr. LANTOS, Mr. LATHAM, Mr. LOBIONDO, Mr. MOLLOHAN, Mr. MORAN of Kansas, Mr. NEAL of Massachusetts, Mr. NEY, Mr. OBERSTAR, Mr. RENZI, Mr. SCOTT of Virginia, Mr. SENSENBRENNER, Mr. SHIMKUS, Mr. TIERNEY, Mr. UDALL of Colorado, and Ms. WATSON.

H.R. 95: Mr. SESSIONS.

H.R. 147: Mr. BOSWELL, Mr. MCCOTTER, Ms. SCHWARTZ of Pennsylvania, Mr. LEWIS of Kentucky, and Mr. SIMPSON.

H.R. 151: Mr. CONYERS, Mr. CLYBURN, Mr. SERRANO, Mr. ETHERIDGE, Mrs. JONES of Ohio, Mr. OWENS, Mr. MCGOVERN, and Mr. PAYNE.

H.R. 187: Mr. RAHALL.

H.R. 213: Mrs. MALONEY and Mr. BERMAN.

H.R. 339: Mr. JENKINS.

H.R. 341: Mr. MATHESON.

H.R. 342: Ms. WATERS and Mr. WYNN.

H.R. 356: Mr. PETERSON of Minnesota, Mr. COLE of Oklahoma, Mr. BONNER, and Mr. RADANOVICH.

H.R. 358: Ms. VELÁQUEZ, Mr. COSTELLO, Mr. BAIRD, Mr. TAYLOR of North Carolina, Mr. KANJORSKI, Mr. HOLDEN, Mr. JOHNSON of Illinois, Mr. PEARCE, Mr. KNOLLENBERG, Mr. COLE of Oklahoma, Mr. BOEHLERT, Mr. CRENSHAW, Ms. HART, Mr. WILSON of South Carolina, Mrs. BIGGERT, Mr. HOYER, Mr. TOM DAVIS of Virginia, Mr. GIBBONS, Mr. DAVIS of Kentucky, Mr. COSTA, Mr. CALVERT, Mr. LATOURETTE, Mr. HOEKSTRA, Mr. VISCLOSKEY, Mr. WOLF, Mr. FOSSELLA, and Mr. DREIER.

H.R. 366: Mrs. JO ANN DAVIS of Virginia, Mr. OSBORNE, Mr. MCHUGH, and Mr. NORWOOD.

H.R. 458: Mrs. CAPITO.

H.R. 478: Mrs. NAPOLITANO, Mr. WEXLER, Mr. CASE, Mrs. TAUSCHER, Mrs. MCCARTHY, and Mr. MCINTYRE.

H.R. 485: Mr. BISHOP of Georgia.

H.R. 489: Mr. UDALL of Colorado, Mr. BONILLA, Mr. NEUGEBAUER, Mr. HUNTER, Mr. OSBORNE, Mr. CANNON, Mr. THORNBERRY, Mr. RENZI, and Mr. BEAUPREZ.

H.R. 517: Mr. GEORGE MILLER of California, Mr. RADANOVICH, Mr. BOUCHER, and Mr. BLUMENAUER.

H.R. 525: Mr. PEARCE and Mr. COLE of Oklahoma.

H.R. 529: Mr. RUSH and Mr. OWENS.

H.R. 543: Mr. BROWN of Ohio.

H.R. 552: Mrs. MUSGRAVE, Mr. HYDE, Mr. KLINE, Mr. HALL, and Mr. MILLER of Florida.

H.R. 554: Mr. UPTON.

H.R. 556: Mr. HINCHEY and Mr. BERMAN.

H.R. 558: Ms. ESHOO and Mr. MCINTYRE.

H.R. 567: Ms. MOORE of Wisconsin.

H.R. 568: Mr. LIPINSKI, Mr. HOLT, Ms. JACKSON-LEE of Texas, and Mr. OWENS.

H.R. 572: Mr. COSTELLO and Mr. GOODE.

H.R. 596: Mr. DANIEL E. LUNGREN of California.

H.R. 616: Mrs. MCCARTHY.

H.R. 623: Mr. BARRETT of South Carolina.

H.R. 653: Mr. KIND, Mr. ROSS, Ms. BERKLEY, Ms. HARMAN, and Mr. GEORGE MILLER of California.

H.R. 668: Mr. PAYNE.

H.R. 686: Mr. PAYNE.

H.R. 687: Mr. GERLACH, Mr. MILLER of Florida, Mr. SOUDER, and Mr. GORDON.

H.R. 728: Mr. MILLER of North Carolina.

H.R. 748: Mr. FORTENBERRY.

H.R. 759: Mr. ROTHMAN and Ms. WASSERMAN SCHULTZ.

H.R. 765: Mr. BOYD, Ms. GINNY BROWN-WAITE of Florida, Mr. REYNOLDS, and Mr. FOSSELLA.

H.R. 793: Mr. PALLONE, Mr. WELLER, Mr. PLATTS, Mr. PAUL, Mr. WYNN, and Mr. SCHWARZ of Michigan.

H.R. 795: Mr. CANNON, Mr. COSTELLO, Ms. KILPATRICK of Michigan, Mr. DAVIS of Kentucky, Mr. STARK, and Mr. HAYES.

H.R. 809: Mr. LAHOOD, Mr. BEAUPREZ, Mr. KING of Iowa, and Mr. MILLER of Florida.

H.R. 812: Mr. FILNER, Mr. WYNN, and Mr. PAYNE.

H.R. 840: Mr. MCDERMOTT.

H.R. 846: Mr. LINCOLN DIAZ-BALART of Florida and Mr. SHAW.

H.R. 859: Mr. ALLEN.

H.R. 864: Mr. LEVIN, Mr. SPRATT, Mr. PAYNE, and Mr. MCGOVERN.

H.R. 865: Mr. BERMAN.

H.R. 871: Ms. NORTON and Mr. OLVER.

H.R. 913: Mr. REYNOLDS.

H.R. 927: Mr. HALL.

H.R. 958: Mr. BERMAN.

H.R. 984: Mr. GENE GREEN of Texas.

H.R. 985: Mr. PASTOR, Ms. DELAURIO, Ms. BORDALLO, Mr. DENT, Mr. SHAYS, Mr. HINCHEY, Mr. BRADY of Pennsylvania, Mr. CASTLE, Mr. MURPHY, Mr. LAHOOD, Mr. MCINTYRE, Mr. WEINER, Mr. KUHL of New York, Mr. KINGSTON, Mrs. CAPITO, Mrs. EMERSON, Mr. PETRI, Mr. BOOZMAN, Mr. LEACH, Ms. ROS-LEHTINEN, Mr. RAMSTAD, Mr. TOM DAVIS of Virginia, Mrs. DRAKE, Mr. PETERSON of Pennsylvania, Mrs. CUBIN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. KIRK, Mr. HEFLEY, Mr. WOLF, Mr. SIMMONS, Mrs. JO ANN DAVIS of Virginia, Ms. FOX, Mr. TAYLOR of North Carolina, Mr. PEARCE, Mr. MILLER of Florida, Mr. HAYES, Mr. PITTS, Mr. HERGER, and Mr. PUTNAM.

H.R. 986: Ms. GINNY BROWN-WAITE of Florida and Mr. PAYNE.

H.R. 1006: Mr. LIPINSKI.

H.R. 1039: Mr. MELANCON.

H.J. Res. 23: Mr. KIND, Mr. OBEY, Mrs. TAUSCHER, Mr. SALAZAR, Ms. SOLIS, Ms. HOOLEY, Mr. TANNER, Mr. DAVIS of Tennessee, Mr. HASTINGS of Florida, Ms. WASSERMAN SCHULTZ, Mr. STRICKLAND, Mr. POMEROY, Mr. KUCINICH, Mr. CLEAVER, Mr. RYAN of Ohio, Mr. MATHESON, Mr. UDALL of Colorado, Ms. KAPTUR, and Mr. RAHALL.

H. Con. Res. 10: Mr. WEXLER.

H. Con. Res. 34: Ms. LEE, Mr. UDALL of Colorado, and Mr. STARK.

H. Con. Res. 42: Mr. FOLEY, Mr. MCCAUL of Texas, and Mr. PAYNE.

H. Con. Res. 81: Mr. PASCRELL, Mr. DAVIS of Florida, Mr. GENE GREEN of Texas, Mr. WU, Mr. WEXLER, Mr. ACKERMAN, Ms. WASSERMAN SCHULTZ, Mr. ROTHMAN, Mr. ORTIZ, Mr. DAVIS of Tennessee, Mr. CHANDLER, Mr. PALLONE, Mr. HASTINGS of Florida, Mr. GUTIERREZ, Ms. BERKLEY, Mr. MEEK of Florida, Mr. ANDREWS, Mr. ALEXANDER, Mr. WELDON of Pennsylvania, Mr. SOUDER, Mr. BOEHLERT, Mr. SCHWARZ of Michigan, Mr. EHLERS, Mr. GREEN of Wisconsin, Mr. PENCE, Mr. GOHMERT, Mr. CUNNINGHAM, Mr. DREIER, Mr. RENZI, Mr. FOLEY, Mr. MACK, Mr. COX, Mr. PITTS, Mr. FLAKE, Mr. WELLER, Ms. HARRIS, Mr. ROHRBACHER, Mr. MCCAUL of Texas, Mr. SCHIFF, Mr. LEACH, Mr. HERGER, Mr. BERMAN, Mr. GALLEGLY, and Mr. ENGEL.

H. Res. 16: Mr. UPTON.

H. Res. 70: Mr. BUTTERFIELD, Mr. NEUGEBAUER, Mr. HALL, and Mr. HIGGINS.

H. Res. 84: Mr. CAMP, Mr. PETRI, and Mr. DAVIS of Kentucky.

H. Res. 90: Mr. TOWNS, Mr. OWENS, Mr. WEINER, Mrs. MALONEY, Mr. CHANDLER, Mr. McNULTY, and Mr. RUSH.

H. Res. 97: Mr. KELLER, Mr. WESTMORELAND, Mr. McCOTTER, Mr. HERGER, and Mr. TIAHRT.

H. Res. 101: Mr. KING of New York, Mr. MARSHALL, Mr. FOSSELLA, Mr. SCHIFF, Mr. CHANDLER, Mr. DAVIS of Alabama, Mr. PALLONE, and Mr. ISSA.

H. Res. 115: Mr. MICHAUD.

H. Res. 120: Mr. BURTON of Indiana and Mr. WEXLER.

DELETIONS OF SPONSORS FROM
PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 25: Mr. DAVIS of Kentucky.